

news in depth

WHERE NEXT FOR THE IN-HOUSE SOLICITOR?

With 20% of solicitors now working in the in-house sector, the Law Society conducted a survey to gather views in the sector on the unique opportunities and challenges facing its members. **Brian Connolly** reports



Brian Connolly is chairman of the Law Society's In-house and Public Sector Committee

FOCAL POINT

one in five

Nearly one solicitor in five now works in the corporate or public 'in-house' sector in Ireland. This reflects the rapid evolution and diversification of the Irish economy, with an increasing number of commercial and public sector organisations of all types and sizes choosing to establish or expand an internal legal function to help support their legal needs. In recognition of this, the Law Society worked with its In-house and Public Sector Committee to engage RED C, the independent market research firm, to conduct an independent and confidential survey of the sector in February 2016.

The survey provided relevant and actionable data about the unique characteristics of the sector and gathered the views of in-house solicitors on the most important opportunities and challenges facing them.

Drawing on the survey results, as well as input from members of the sector and the Law Society, the committee has created an action plan for the sector, which it will now support the Law Society in implementing in the coming years.

This article takes a look at the evolving nature of the sector, summarises the most interesting data revealed by the survey, and highlights the main aspects of the action plan.

Whether they work in the private or public sector, in a large multinational or a small start-up organisation, the reach and range of work done by in-house solicitors has

broadened significantly in recent years, and has also expanded into areas not traditionally covered by solicitors. So, along with the 'traditional' areas of law, such as contracts, litigation, and

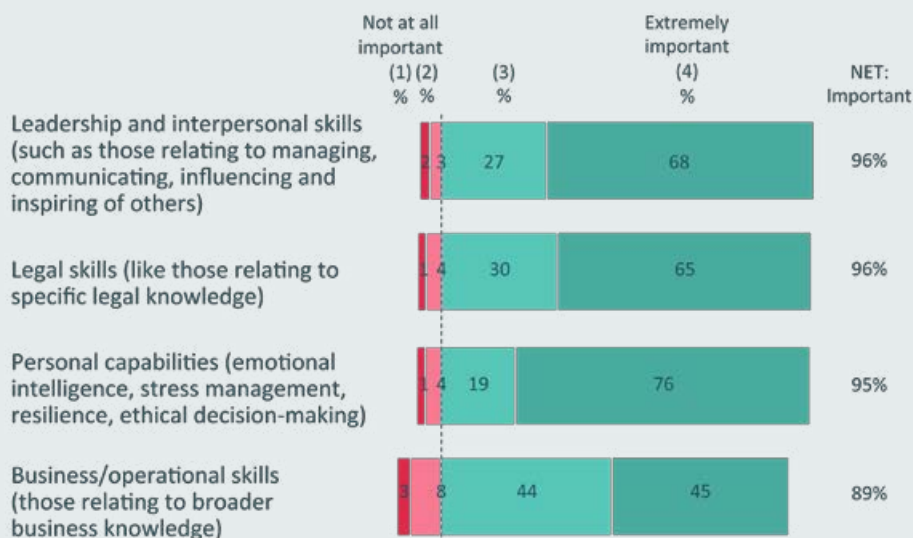
company law, their roles now also cover newer or developing areas such as cyber-security, social media, data privacy, intellectual property, and regulatory and compliance work.

Their roles also include areas that are as much commercial, financial, strategic or people-related as legal. The in-house solicitor now acts as a board member or company secretary, a function head or manager, a pension trustee or a compliance officer, as well as a legal adviser to his or her organisation.

The profession as a whole has, of course, also changed and evolved, but it seems clear that the pace of change and evolution in the in-house sector has accelerated even more dramatically in recent years. The number of solicitors opting to work in-house has also increased significantly in recent years, with the sector now approaching one-fifth of the total number of members in the profession in Ireland. This far exceeds the growth in the private practice sector and is in line with international trends, particularly in comparable jurisdictions. In Britain,

Which skills are important in helping in-house solicitor success

(Base: all in-house solicitors; n=500)





for example, almost one in three solicitors now works in the in-house sector.

Private practice relationship

It is important to acknowledge that the in-house sector shares many of the same characteristics, opportunities, and challenges of our private practice colleagues – in particular, anticipating and responding to the often bewildering proliferation of legislation and regulation in existing and new areas of law, and applying our technical legal skills in the ever-changing environment in which our clients operate.

In addition, the relationship between the two sectors of the profession continues to develop and deepen in a positive and constructive way. Private practice solicitors continue to work closely with their in-house colleagues/clients to identify and serve the needs of organisations. Advice given to the in-house solicitor by private practice solicitors is increasingly practical, easy to apply, grounded

in an understanding of the in-house solicitor's organisation, and can easily be understood and applied by the in-house solicitor's own 'internal clients'.

External counsel now provide tailored seminars, precedent materials, and updates that address the specific needs of in-house solicitors and their organisations. And the more varied and flexible fee arrangements increasingly offered by external counsel reflect and address the realities faced by the in-house solicitor in trying to manage tight budgets and demanding internal clients (in particular, the financial controller).

External counsel also benefit from this interaction with their in-house colleagues/clients, as it exposes them to new ways of

working, gives them greater insights into industry sectors, and allows them improve their specialisation and business development.

Opportunities

With this rapid change and expansion in the in-house sector comes a variety of opportunities for all in-house solicitors. The most important of these is the ability to add real value to the organisations we work for and, in that way, to influence for the better the fortunes of those organisations – and, at the same time, enhance our own profile and reputation

and that of the entire profession. Where in-house solicitors are members of the leadership or management team of an organisation, they can contribute to and help shape in a unique way the activities, decisions and direction of that organisation.

In an increasingly complex and

regulated world, in-house solicitors will also be in a position to offer practical legal, commercial and strategic advice to internal clients at all levels in the organisation. And, uniquely, they will be able (and expected) to follow up the advice given, by collaborating closely with the business and other support functions (finance, marketing, HR, etc) to execute the actions needed to implement that advice.

This is quoted by many in the sector as being the most satisfying part of their roles, and it is backed up by feedback received from representatives of the employing organisations when asked about the value added by their in-house solicitor.

Unique challenges

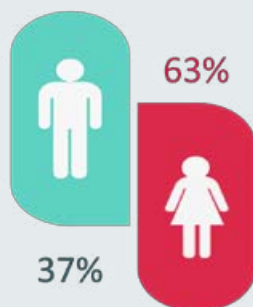
However, while in-house solicitors share many of the challenges faced by private practice colleagues, there are also some unique issues that we have to contend with every day. These include pressure on the independence of the role from internal clients, the potential for

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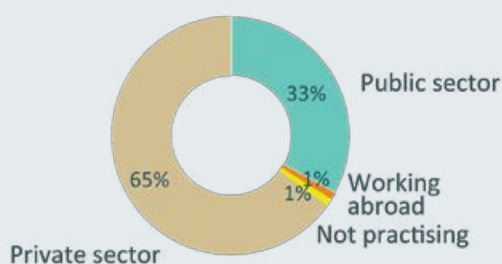
Sample profile

(Base: all in-house solicitors; n=500)

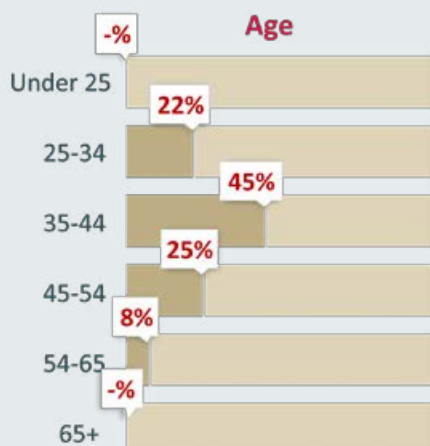
Gender



Working status

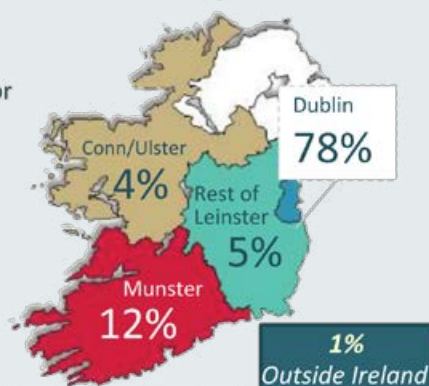


Age



Average 42 years
Private sector 40 years
Public sector 45 years

Firm region



Year qualified



Average years practising as in-house solicitor

9 Years

Private sector 7 years
Public sector 12 years

REDC

a conflict between the 'trusted advisor' role we all strive for and our duties as solicitors and 'officers of the court', and a sense of isolation from the broader profession and the rest of the in-house sector (particularly where there is only one or a small number of in-house solicitors in an organisation).

Another issue is a perception that more could be done to address the unique professional development and training needs of the sector.

It is also important to acknowledge that the Law Society recognises the unique and positive contribution that the in-house sector brings to the organisations where in-house solicitors work, to the profile and reputation of the entire profession, and to the broader economy.

The committee has worked closely with the Law Society in recent times to help develop its appreciation of the growing importance of the sector and the unique opportunities and challenges we face, and we have seen, first-hand, its genuine interest in supporting us and helping address these.

In-house survey

One important example of this was the commissioning of an online survey of all in-house solicitors in February 2016 to gather information about

the important aspects of our organisations and our work, the issues we face, and the types of supports we would like the Law Society to provide.

The survey was run independently of the Law Society, all respondents remained anonymous, and all answers given were confidential and aggregated. The committee worked closely with RED C to ensure that the questions covered the most relevant topics for

the in-house sector and focused on obtaining data that was relevant

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and that could be acted upon. The graphics produced by RED C illustrate some interesting data gathered from the survey.

Analysis

Following an analysis of the survey results, the committee has worked to create an action plan to provide a 'road map' for the Law Society to help enhance its support of in-house solicitors for many years ahead. The actions comprise a combination of tactical 'quick wins' and longer-term structural or strategic steps, organised into four areas:

- *Skills and value* – to identify the particular skillset required of in-house solicitors, to formulate a skills and benefits competency framework, and to identify how the Law Society can help market the value and

status of in-house solicitors to employers and the profession. Actions include creating a framework and working to promote it, as well as obtaining employers' perspectives on the skills and value that in-house solicitors can bring to their organisations.

- **Education and training** – to identify the professional training needs of the in-house sector and how the Law Society can support them. Actions include reviewing and implementing improvements to existing training support and identifying focused additional training for the sector, from trainee stage right through the in-house solicitor's career.
- **Professional issues** – to identify the most significant issues facing the in-house sector and to identify how the Law Society can provide targeted support to address those issues. Actions include reviewing communications to the sector, providing targeted guidance on challenges, and facilitating networking opportunities among in-house solicitors.
- **Trainees** – to identify and promote the value of trainees to legal functions in the corporate and public sector and to review the Law Society Professional Training programme to ensure suitability for the in-house sector and encourage uptake. Actions include producing promotional material and using Law Society channels to promote the value of in-house trainees, arranging a focus group with trainees, and reviewing – and, if necessary, modifying – the current trainee structure to make it more suitable and attractive for the in-house sector.

The Law Society has already begun work on some of the identified actions, which will be rolled out on a phased basis, and the committee is confident that the sector will see improvements in a number of areas as these are implemented. We also welcome any feedback or suggestions as to how we can help strengthen and develop the

supports for in-house solicitors. This is an ambitious and long-term plan that looks at all the important aspects of the in-house experience. It draws directly from

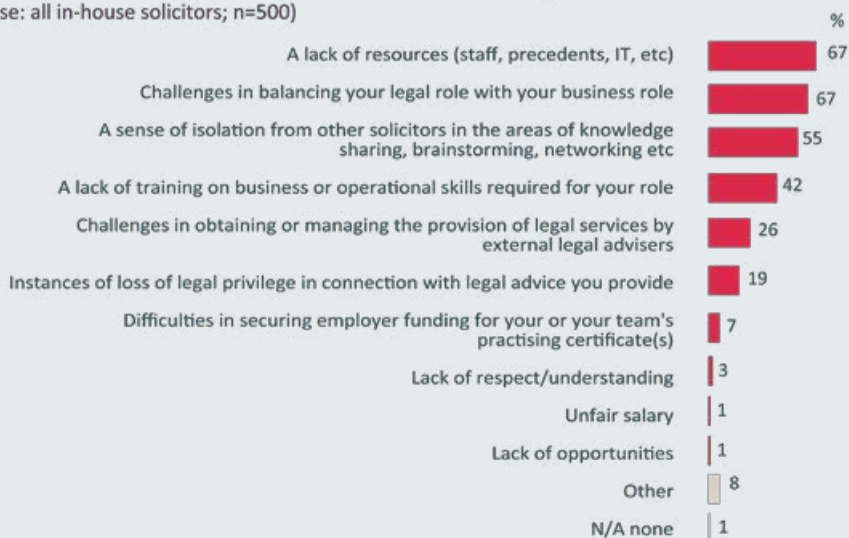
what the sector has told us, it is practical and achievable, and it has the full support of the Law Society and the committee. We believe that it provides an

excellent framework within which the Law Society will continue and deepen its support for this important and growing sector of the profession in Ireland.



Most significant professional issues facing in-house solicitors

(Base: all in-house solicitors; n=500)

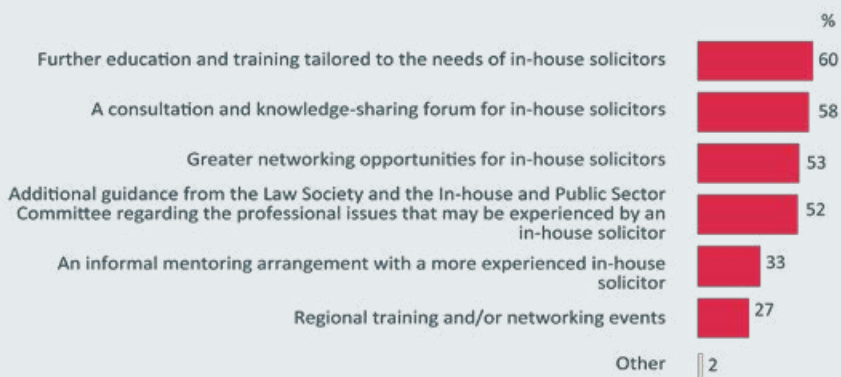


Lack of resources is identified as the most significant problem faced by in-house solicitors, with the challenges faced in balancing both a legal and business role a concern for this group. Isolation is registered as a major issue for over 1 in 2 in-house members – reflective of the legal function team's size versus that of the company.

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Useful supports to address professional issues faced

(Base: all in-house solicitors; n=500)



Further education and training specific to the needs of in-house solicitors is identified as the most useful support for this segment, with a similar proportion demonstrating interest in a knowledge sharing forum.

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