

# CHICAGO LAWYER®

## INSIDE OUT

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his is the 12th anniversary of our column. As we looked back over past entries, we decided to address previous questions again in light of today's world.

### WHAT DOES IT MEAN TO YOU TO BE A CREATIVE LAWYER?

**Martini:** Providing unique and innovative approaches to problem solving. Being able to help clients see around the corner so they can plan several steps ahead. It's about how you market your services to current and potential clients and how those services are bundled. It refers to thinking holistically about an issue and outside the box. Thinking not just to the issues within your specific practice, but to see multidimensionality on a situation and its complexities, both from a legal as well as a business perspective. Creative lawyering is often a differentiator that distinguishes great lawyers from good ones.

**Susler:** Creativity is boundless, so I define it as trying new things and challenging assumptions. Laws change as does people's willingness to embrace new ideas, so don't stop yourself just because it has never been done before. Working collaboratively with your legal and business colleagues helps lead to enhanced creativity and yields creative solutions.

### HOW HAS THE CLIENT RELATIONSHIP CHANGED?

**Martini:** Both the business and legal industries have continued to evolve rapidly. This is attributable to a number of factors, including geopolitical forces, the economy and technology, all against the backdrop of COVID as an accelerant of change. Since this is the climate in which we all are doing business, including our clients, it is understandable that what clients are looking for in their outside counsel continues to evolve as well.

As always, a client's needs are influenced by the internal resources that they have and don't have. If they have a law department, those teams are often trending towards greater sophistication in their ability to render legal services to their clients.

In fact, some of these law departments are compared to law firms, both in terms of their environment as well as their overall employee expectations. It is not surprising that differentiators among outside counsel are playing an increasingly important role in the fight for market share. Clients are not just looking for substantive expertise from outside counsel, they also need a heavy dose of practicality and business savvy. Being a substantively



## A LOOK BACK

New answers to old questions

By **CHRISTINA L. MARTINI** and **DAVID G. SUSLER**

great lawyer is often not enough to ensure the long-term success of a client relationship. Clients are often looking for that something else, be it a willingness to invest in the relationship without charge, providing deep institutional knowledge, sector expertise, consistently terrific results, and other value adds that enable outside counsel to emerge from the pack.

**Susler:** A decade ago, I noted the shift towards a buyer's market for legal providers. It has largely remained a buyer's market, but the nature of the outside/inhouse counsel relationship has also grown more sophisticated as well. I think the inside/outside counsel relationship is now much more collaborative. One area that has improved, though we still have a long way to go, is in diversity and inclusion. They are insisting that law firms not only staff their departments with diverse attorneys but that the diverse attorneys get billing and origination credit for their work within their firms.

### WHAT QUALITIES DO YOU WANT IN OUTSIDE COUNSEL?

**Susler:** It starts with subject matter expertise but it rarely ends there. Other qualities are client service, quality work product, reliability, prior working relationship and reputation. The most important qualities are emotional intelligence, passion and creativity.

### HOW HANDS-ON DO YOU WANT AN INSIDE COUNSEL TO BE?

**Martini:** I'm fine with inside counsel being as hands-on as they want. I work with all different types of clients on matters, and depending on inhouse counsel's expertise, the business context and its importance to the company, that often drives how involved inhouse counsel are. I can appreciate the reasons why an inhouse attorney wants to be more involved, but there are reasons that are not necessarily visible to outside counsel that drive how work is divvied up.

As long as responsibilities and expectations are clearly communicated among those involved in a matter, there should not be an issue, and this type of arrangement can often be a great opportunity to partner with a client in an innovative, more meaningful way. **CL**

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