

The Lawyers Weekly

# IN-HOUSE COUNSEL

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## Going it **ALONE**

How solo  
in-house  
counsel are  
keeping  
connected

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### **Pro bono**

In-house  
counsel  
lending  
a hand



# Isolation

Surviving being solo  
in-house counsel

By Milton Kiang  
Photography by Alistair Eagle

**Imagine leaving** a national law firm of over 200 lawyers to become the sole legal counsel of a sports franchise. Or how about being the only in-house lawyer to support an organization of 1,100 employees?

For some, it's a lonely undertaking: you've got no peers to bounce ideas off of, no one close by to obtain legal help from, or to commiserate with. Suddenly, you're in charge of your department's administration—from file management to budgeting to personnel (if you're lucky enough to have clerks or assistants).

And if your company is like all others out there trying to cope with the economic downturn, you're managing your department on a shoestring budget. "Speaking of thin

resources, we don't even get *The Lawyers Weekly!* (which publishes *In-house Counsel* magazine)" says Heather Salter, the sole legal counsel for the city of Fort Erie, Ont.

The solo in-house counsel is a special breed: self-reliant, independent and a jack-of-all trades. "You have to be a generalist," says Salter. "You need to realize early on that you're not going to be an expert in any given area of law. You can't have that ego of being a specialist, and you need to understand what are your levels of competence."

As sole legal counsel in a municipality that employs 127 city workers, Salter handles everything from commercial litigation to planning law to provincial offences. "The only thing I don't do is family law and estates," quips



## Practice tips for solo in-house counsel

### **Build your network and use it**

Join a law association or a Canadian Bar Association (CBA) subsection related to your area of law or industry. Participate in their meetings, or better yet, volunteer with them. Volunteering is a great way of meeting others in your field, and the more you contribute to an organization, the more satisfaction you derive through your involvement.

### **Don't be afraid to ask for help**

As solo legal counsel, you can't be expected to be an expert in every single legal area you encounter. If you join a CBA subsection, sign up for the listserv. You'll be surprised how many lawyers out there are quick to offer suggestions and tips. Be prepared to reciprocate. If you don't give, you don't get.

### **Be friendly to the business people**

As solo legal counsel, you'll need all the allies you can get. Having a natural affinity for the industry you're in always helps: You'll be in the company (no pun intended) of like-minded colleagues. Be approachable, be creative in your thinking and understand the business objectives of your colleagues. As Edmonton Oilers legal counsel Keely Brown puts it, "your business colleagues aren't interested in the fact that you went to law school and know a bunch of Latin words," but how you can help them achieve their business goals.

### **Get some legal experience first**

Of course, it really depends on your areas of responsibility and the company you work for, but oftentimes, as sole legal counsel, you'll come across a range of legal issues for which only experience and intuition will guide you. And having those only come from years of practice.

Salter, an Ontario-qualified lawyer for almost two decades.

"But that's what makes things interesting," says Kim Kobayashi, the Vancouver-based sole legal counsel at A&W Food Services of Canada Inc. "I get involved in all the different departments, from marketing to operations. I look at contest rules, leases, franchise agreements, corporate agreements."

For Kobayashi, it was a big transition to make, moving from general counsel manager at the Vancouver office of the Department of Justice, which had 38 lawyers in Kobayashi's department, to being the sole legal counsel for a private food services company.

The buck stops here: You—and only you—are responsible for handling the company's entire legal operations.

Being the sole legal counsel doesn't necessarily have to be a lonely job. Kobayashi is grateful for the special relationship she has with the business people. "It's an incredible working environment. Rather than just sending out e-mails, and following e-mail trails, people here actually sit down to discuss issues, to meet face-to-face. I know this environment doesn't exist in other companies."



For solo legal counsel, Keely Brown, who left national law firm Davis LLP to work for the Edmonton Oilers, her love of hockey instantly bonded her to like-minded colleagues. "We host the [annual Oilers] summer Olympics... where we have street hockey, poker and trivia challenge. All the departments participate, we hang out, have pizza. It's great fun and a great way of building team spirit."

Brown also belongs to the Sports Lawyers Association, which is helpful when it comes to finding peers to discuss industry-related issues. Mike Burke, the sole legal counsel for the city of North Bay, Ont., belongs to the Municipal Law Departments Association of Ontario.

"I'd say my organization wouldn't be the same today if I didn't have access to that association," says Burke, an Ontario lawyer with over 30 years of practice experience. "I try to make a point of going to their four-hour meetings. You get to put names to faces, and you know who to call on issues you're not sure about."

Kobayashi belongs to the Canadian Corporate Counsel Association (CCCA), a 10,300 member-strong organization. The CCCA meets twice annually, and sponsors seven roundtable discussions and six lectures per year. The organization is important to the careers of in-house counsel, especially ones who work in smaller legal departments, says Wendy King, B.C. chapter president of CCCA and senior legal counsel at forestry giant Weyerhaeuser Company Ltd.

"The benefits of CCCA is the networking and the specialized training you get," says King. "You can call on some of the lawyers you meet, to bounce ideas, before going to external counsel. As a solo legal counsel, you're a jack-of-all trades, and you really need that network."

During roundtable discussions, usually held at restaurants or banquet rooms, lawyers have a chance to chat about their experiences, trade anecdotes and offer practice tips. "And yes, there's also some venting!" laughs King.

Belonging to a relevant subsection of the Canadian Bar Association is also helpful. When Vancouver-based lawyer Deanna Okun-Nachoff joined the West Coast Domestic Workers' Association five years ago as its sole legal counsel and executive director, she admits that she didn't know much about immigration law, an area that makes up a large part of Okun-Nachoff's current practice.

Whenever Okun-Nachoff was unsure about a point of law, she'd fire off a question onto the immigration subsection's listserv, to which over 300 immigration lawyers are connected, and invariably, someone would answer that query.

Having capable legal assistance always helps. Burke, whose organization employs 1,100 city workers, says he's lucky to have a law clerk who "runs me and the legal department." Kobayashi has three paralegals and a legal assistant,

which frees her from administrative duties and routine tasks, so she can focus on the substantive legal work.

But for lawyers who don't have that level of support—and there are a lot of them—having a knack for administrative work is a plus.

"It's really like running your own firm," says sports lawyer Brown. When she began working for the Oilers in 2006, Brown had to organize the department's file management system, source department software and find office supplies.

"It's not for everyone," says municipal lawyer Salter. "Here, I'm involved in personnel, hiring, budgeting, work planning. Personally, I like it. They're skills I like to develop," says Salter, who also holds a master's in public administration, and serves as a director in the city's senior management team.

**F**inally, having sufficient legal experience under your belt is crucial. "Personally, I wouldn't have been able to do this job 15 years ago," says Kobayashi, a B.C. lawyer qualified since 1984. "Of course, it depends on the company [you work for] and your area of responsibility. Within a larger legal department, you get the training and the opportunity to learn.

"But in my line of work, as a generalist, you have to have broad legal experience, with exposure to different areas of law. You get a sense for the different aspects of law."

So, as Salter correctly points out, being solo legal counsel isn't a job for everyone. But for those rare, special few, it's the exposure to different areas of law, the responsibility to manage one's own department and the control in handling the company's legal affairs, that makes the solo legal counsel job immensely satisfying. Everything rests on their shoulders, and that's the way they like it. **END**

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— Heather Salter  
Sole Legal Counsel

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