

How to Base a Partnering Program on Sound Principles

Partnering of itself is not a goal, but rather, a way of doing business and producing results that is inherently more effective and well-suited to today's highly competitive global marketplace.

There is no shortage of good ideas for strengthening the partnering between law departments and their law firms. Based on the experiences of many inside and outside counsel, however, these ideas must be adapted and implemented with several essential principles in mind so that the resulting initiatives produce real value for both the company and the law firms. These principles include the following:

- **Meaningful benefits are generally produced over a period of years rather than in the short term.** Partnering initiatives inherently must be sustainable over the long term and thus require a significant commitment from everyone. Partnering does not prosper when significant groups of either inside or outside attorneys withhold their active participation. Accountability of the partners to the team for results is increased.
- **Partnerships prosper most readily when inside and outside counsel collaborate on all the significant aspects of the partnership to develop practical and effective strategies, guidelines and behaviors.** Partnering is not so much a matter of finding compromises as it is collaborating to develop processes that enable all the partners to work at peak efficiency and utilize their talents more effectively than before. Changes are likely to be required in the daily routines of everyone involved.
- **Initiatives that create disproportionate burdens or costs for either law departments or the law firms are unlikely to receive continuing commitment and generally do not produce material benefits.**
- **There must be a shared commitment to reengineer the legal work to eliminate wasted effort and cost.** Without eliminating low-yield activities inside and outside, partnering simply does not create value. Ultimately, law departments must realize cost savings and law firms must be able to profitably serve the client.
- **Effective partnering requires significant candor and specificity on all sides.** Outside attorneys need to be direct in describing their expectations and needs, describing limitations and constraints as well as providing useful and honest feedback about client requirements that create unnecessary problems or costs. Inside attorneys need to be direct in explaining expectations, performance standards and constraints, as well as in providing useful and honest performance feedback. Simply put, partnering fails when either side fails to communicate essential information or feedback.
- **Technology should be integrated with and facilitate the legal team's workflow requirements.** The utilization of technology is most effective when it is employed to achieve specific goals in support of an evolving work culture. When technology becomes the principal driver (i.e., the technology is selected because its features are attractive without regard for the specific ways the technology is going to support the legal team's re-designed work processes,) the

legal team may be channeled into working the way the technology vendor envisioned, instead of in the ways that the legal team needs to work to achieve its objectives.

Key Points

- Before developing partnering initiatives, review and consider the Principles that will serve as the foundation of your efforts.
- Focus on long-term, not short-term gains. Partnering efforts take time to produce results.
- Focus on collaborative efforts that enable partners to: 1) work at peak efficiency and effectiveness; 2) share burdens equitably; 3) build commitment to redesigning and realigning work; 4) build commitment to candor and specificity; and, 5) utilize technology to support the partnering efforts.