Seven Questions Attorneys Must Ask Themselves Before Going In-House

**Summary:** Have you ever wondered what it is like being an in-house attorney? Read this to find out.

At first glance, being an in-house counsel may look good to a large number of attorneys. Once an attorney goes in-house, they can begin to have normal working hours, not be pressured by billing, or by law firm-type politics. But, there is a catch: Once an attorney goes in-house, rarely will they be given an opportunity to return to law firm life.

Attorneys who work grueling hours at a law firm may now and then dream of a life where they can practice law for one client and clock in at a reasonable 9 to 5 schedule. Thus is the lure of an in-house counsel position. The question is does an in-house counsel position represent a good career move?

“Every career choice involves trade-offs. While moving to an established public company may work well for some and joining a venture capital-backed startup may work well for others, choosing an in-house legal job is not the right career choice for everyone. Even if it is the right move for you, it is important to understand that there are aspects of law firm life that you may still miss,” Stephen Seckler wrote for BCG Attorney Search.

To those considering a switch, there are many frequent queries attorneys ask as they weigh in on whether or not to jump into this new aspect of their careers. The following eight are some of the most popular:

1. **What is an in-house attorney?**

Large companies often employ an attorney or a group of attorneys. These are called Business Affairs or Legal Departments. The “in-house” lawyers provide counsel for business matters, manage transactions, and oversee outside legal representation. These attorneys also have only one client—which is the company itself.
These positions are typically not available to recent law school graduates. They instead go to attorneys who have several years of experience and want to make a lateral move.

“At its most basic, the job of an in-house lawyer is to apply his or her legal knowledge and skills to help a company succeed, while identifying and protecting the company against risks,” Yale Law School wrote. “The size and nature of the company will typically dictate the specific role of the in-house lawyer. In smaller organizations, in-house lawyers usually have a general role and are responsible for overseeing all of the company’s legal relationships with other companies, government agencies, and investors, as well as internally with employees, management, and directors. Within larger organizations, in-house lawyers typically have a specific role that handles the company’s needs in a discrete area of the law.”

In most legal departments, the lead lawyer is called General Counsel, and he or she is who the other attorneys report to. Attorneys underneath General Counsel are usually given titles such as Counsel, Corporate Counsel, Associate Counsel, or Staff Attorney.

2. How do you find an in-house job?

Most major corporations who have in-house counsel are looking for law associates within a practice that fits their needs, but who are also attempting to make a lateral move from their current law firm. Attorneys like this are often found through referrals or headhunters.

Most companies do not want to hire in-house counsel straight out of law school because in-house positions are typically reserved for attorneys with a few years of corporate law experience. There are, however, exceptions.

Georgetown Law states that although companies may not hire recent law school graduates, law students can work as clerks within these businesses during their summers or during the school year to get their foot in the door.

Most companies seek mid-level laterals because they are experienced, yet not too expensive. Higher level attorney positions do exist in-house, however they are more competitive because of scarcity. Depending upon their needs, companies look for attorneys who have practiced corporate, commercial, employment, intellectual property, or regulatory law and who have skills in negotiation, licensing, and drafting. While large companies may hire in-house litigators, litigation in most cases is outsourced.

3. When should you go in-house?

Whether or not you join a corporation’s legal department depends on your career goals, Seckler states.

“Timing an in-house move depends largely on your career objectives. If your desire to go in-house is driven by an interest in switching to the business side of a company, you are probably better off making your move as a relatively junior associate. Once you have been practicing for a while, it will be more difficult, though not impossible, for business people to see you as anything other than a lawyer. If your objective is to become a general counsel somewhere, then staying at a law firm until you are at least a senior associate is often sensible. As a lawyer in a law firm, you will maximize your opportunity to hone your legal skills.”

4. Why should you go in-house?

Attorneys who work in-house often say the best thing about their job is they serve only one client and do not have to deal with billable hours, the aspect of law firm life that keeps some lawyers on the job for 60 to 70 hours a week.

Another plus of being in-house is that the work is often more interesting than the tasks given to associates within law firms. In-house attorneys get to tackle a variety of projects, as well as become generalists who learn the ins-and-outs of their corporations. In that same light, in-house attorneys often outsource more time-consuming legal work to law firms.

Seckler recounts that in-house attorneys tend to be happier because of the aforementioned reasons, and they are likely to feel as if they are contributing to a team.
5. **How much does an in-house job pay?**

One of the downsides to working in-house is that it pays much less than a law firm does. However, the cut isn’t so drastic that it would completely scare off lateral movers. Lawyers may end up making less cash, but that could be supplemented with bonuses, equity, or a more flexible schedule. Seckler from BCG Attorney Search states that in-house salaries vary by company and industry, but for attorneys wanting to know how much they should be paid, they should examine several factors:

1. **What do comparable positions pay (market rate)?**
2. **How profitable is the company?**
3. **What are salaries in the organization?**
4. **What credentials does the employer require?**
5. **What are other attorneys in the organization earning?**

Seckler goes on to state that most attorneys leaving law firms for corporate positions can expect to earn in the low to mid-$100,000 range. Contract counsel may earn much less, and general counsel may have base salaries of around $200,000. This is a pay cut from a law firm salary, but that doesn’t mean all in-house attorneys are not paid well. Some in fact make annual salaries in the millions.

6. **What are the hours like for in-house attorneys?**

Lawyers are attracted to in-house legal jobs because to work in-house within a traditional eight-hour schedule can better allow attorneys to have a good salary and work-life balance. In truth, this is not always the case as in-house attorneys at times juggle multiple tasks that can eat up a lot of time.

Seckler suggests, “Lawyers often say they are interested in going in-house for lifestyle reasons. Although it may be true that in-house lawyers are better able to predict workflow, there is substantial evidence that many in-house lawyers work just as hard on the inside as they did at a law firms. This is not uniformly the case; and certainly, some in-house lawyers do have it a lot better. But as corporations continue to look for ways to control costs, it seems fairly predictable that in-house lawyers will be expected to do more with less. The principal difference is that in-house lawyers are more insulated from last minute "vacation-wrecking" or "weekend-wrecking" deals,”

7. **What are the disadvantages of going in-house?**

When asked about the cons of being an in-house attorney, the most obvious answer is the immediate pay cut. However, experts warn that in-house counsel also risk a loss of career advancement. This applies in two ways:

1. There are not a lot of advancement opportunities within corporate legal departments.
2. Once an attorney goes in-house they are pretty much guaranteed an exile from the law firm world.

“Once you make the jump [to working in-house], it can be very difficult to return to private practice primarily because law firms will question your commitment to returning on a long-term basis,” attorney Gloria Noh Cannon states.

The inability to return to a law firm can be daunting, especially because legal departments are often the first to get the ax if there are budget issues. Unlike a law firm, lawyers in-house are viewed as “cost centers” and not profit generators. Secondly, if someone sues the company, management will assume in-house lawyers are responsible for the ordeal. After all, their entire function in the company is to prevent those incidents in the first place. If an in-house attorney is unfortunate enough to get the ax, they may have trouble landing another corporate job because they face competition from younger attorneys straight out of a law firm.

Another disadvantage to working in-house is that attorneys rarely move up in their corporations because
many legal departments are small and usually structured so that all lawyers report to one General Counsel.

“Opportunities for advancement are limited for most attorneys who work in-house,” Seckler suggests. “Many law departments have a flat reporting structure with the entire legal staff reporting to the general counsel. As a result, career advancement in a corporation probably means making a lateral move. In large law departments, there are more opportunities for promotions; but many in-house law departments are small. Some lawyers use an in-house job as a launching pad for moving into a non-legal position such as Director of Business Development (a title which can mean a lot of things, including helping a company identify strategic partners and targets for acquisition.)”

The last con to consider when taking an in-house job is that legal departments are sometimes underfunded in comparison to law firms. For instance, some departments consist only of one lawyer, which means that attorney must now do his or her work plus that of a paralegal. Even legal departments with multiple lawyers may find their resources limited. Tasks such as research, copying, editing, scheduling, and more are usually done by in-house attorneys themselves.

Conclusion

Working in-house can be a rewarding experience for some attorneys and a mistake for others.

Some attorneys love the idea of servicing only one client versus many, while others may find that to be boring. In-house attorneys are often thought of as generalists because they do a little bit of everything, and their job usually does not give them an opportunity to specialize, which is what makes lawyers marketable.

Additionally, those who chose to take the leap into the corporate world should do so knowing that they are less able to return to practice within a law firm. Thus, the decision to go in-house is one with a permanent consequence, said Harrison Barnes, the CEO of BCG Attorney Search. In his experience as a recruiter, he has seen in-house attorneys try to reenter a Big Law firm only to be met with failure.

“A significant portion of the attorneys contacting us are attorneys whose most recent experience is in an in-house legal department,” Barnes said. “We rarely are able to help these attorneys transition into a law firm because law firms simply do not want them—regardless of how good of a law school they went to, or how stellar their last law firm was. The market tells the story: Once you go in-house you had better understand that you will be very unlikely to ever practice law with a large law firm ever again.”

See the following articles for more information:

- The 50 Best Law Firms for Women
- Quitting in Droves
- Opening Your Own Law Firm

Read Related Articles

- Working as an In-House Corporate Counsel
- Going In-House
- In-House Counsel: Life in the Corporate Wing
- The Life and Career of an In-House Attorney
- What Do In-House Attorney Positions Pay?
- Tips on Preparing Yourself for the Interview for an In-House Counsel Job
- Pros and Cons: In-house vs. Law Firm Practice
- Going In-house? Why You May Be Saying Goodbye to Law Firms for Good
- The 'Dark Side' of Going In-house
- Is an In-House Job Right for You? Top 10 Frequently Asked Questions About In-House Careers