



Portfolio Media, Inc. | 111 West 19th Street, 5th floor | New York, NY 10011 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

How Law Schools Are Encouraging Students To Go In-House

By **Michele Gorman**

Law360 (October 2, 2020, 6:48 PM EDT) -- While speaking to Columbia Law School students, a former Con Edison general counsel shared a pro tip from her in-house career: It's up to corporate counsel to first understand the company's needs, and then help the business achieve those goals.

We were the department of, 'Here's the risk.' We were the department of, 'Let us figure out how to help you get to that goal that you might have.'



Elizabeth Moore

former general counsel, ConEd

"One of the things that I really worked with my entire team on was not being the department of 'No,'" the former general counsel, Elizabeth Moore, told students on Tuesday via video. "We were the department of, 'Here's the risk.' We were the department of, 'Let us figure out how to help you get to that goal that you might have.'"

The event, which was also open to business students, was part of the law school's Reuben Mark Initiative for Organizational Character and Leadership, a joint project between the law and business schools that began in fall 2017. Out of that came the In-House Counsel Lab, which focuses on research and experiential learning opportunities and offers a handful of courses taught by sitting and retired general counsel from companies including Facebook, Apple and Nike, said Mary Herrington, director of the initiative for Columbia Law School.

While the vast majority of law students "don't go straight into legal departments, it's our duty as legal educators to prepare them for how law is practiced in different modern settings," Herrington said, adding that this strategy can also help lawyers who go on to work in law firms to be more prepared to understand their clients.

Course topics range from "Organizational Misconduct" and "Advising Complex Corporations" to "Becoming a Trusted Adviser" and "Leadership and Organizational Character." The curriculum also offers students practical training with assignments stemming from current events, such as in a seminar called "The Role of the Modern In-House Counsel" taught by former Facebook general counsel Colin Stretch.

Through the classes, the lab aims to teach students that "sometimes these complex issues don't have clear-cut answers and you're required to be decisive, to communicate effectively and succinctly to people like the CEO of a company on a real-time basis with imperfect information," Herrington said.

The classes are just one example of a curriculum geared toward the in-house track that a handful of law schools around the country, including NYU and Colorado, have implemented to introduce students to the corporate side of the legal industry.

Even with such programs, the direct route from law school to in-house is far from traditional for the majority of graduates. As experts point out, the standard thinking is that most companies look for seasoned lawyers to join their legal teams.

But in the wake of the coronavirus pandemic, the in-house path could be more appealing to students — especially as some law firms continue to enact cost-cutting measures to help shoulder the economic downturn.

Experts also acknowledge there are challenges to choosing the nontraditional path. Lawyers who have already taken this route admit it hasn't always been easy, with some saying they still have to justify their reasoning for not working in private practice — years after taking their first in-house position.

Busting the 'Myth'

Similar to Columbia, there are other law schools that offer specific classes for students interested in an in-house position. New York University School of Law said it offered an externship during spring 2019 to three students to work in the general counsel's office at McKinsey & Co., and another one to a student in the comparable office at AppNexus.

At the University of Colorado Law School, associate professor Brad Bernthal teaches an entrepreneurial law clinic composed mostly of third-year law students who "help entrepreneurs who are blissfully ignoring their legal needs or resorting to self-help," he said.

Bernthal added that he encourages students to consider the in-house path, especially at large companies where they can gain training and expertise as junior attorneys. But he cautions them against jumping straight into a general counsel role where they could be the only lawyer.

"A lot of being an attorney, especially when you're the only GC, is making pretty fast legal judgments," he said. "If you don't have pattern recognition, that's really problematic."

Outside of the academic setting, some lawyers including Doug Baer, a Dish Network lawyer who joined the company's in-house team directly from law school nine years ago, are trying to bust what they believe is a misconception.

"There is this sort of prevalent myth out there that you must go to a law firm — and usually a BigLaw firm — if you want to wind up working in-house," he said, adding that he's trying to "get the word out to students that, 'Hey, that's not necessarily accurate. If you really feel like you want to go the in-house route, there are companies like Dish that will hire brand-new graduates.'"

He added that many law students are often surprised because they don't realize the direct in-house route is "a thing."

But Baer and other lawyers have done it — and with success.

Dish has a track record of bringing in interns and hiring brand new law graduates, mostly for the transaction side of the department, said Baer, who is currently senior corporate counsel at Dish.

"We've long had the philosophy that we are capable of providing training and experience that is just as good as what you would see at any firm," he said, adding that about one-third of the lawyers on the general transactions team joined Dish directly after law school.

While other in-house attorneys without much law firm experience said the pros outweigh the cons, they acknowledged there have been some uphill battles on their career paths.

John Cook IV said he knew he was taking a chance by working in-house at Dish upon graduating from Colorado Law. Now, about five years out of law school, he said some of his peers in the industry continue to believe that going straight in-house means an attorney wasn't able to land a firm job.

"I have had to explain my story because it's not the traditional path," he said. "I think there's kind of a lightbulb when [I] explain that I had the support but I also got to do deals as a first-year attorney that most of my classmates and colleagues in other law firms wouldn't get to do until their third or fourth year."

Cook said he's thankful for the foundation of training he received at Dish, where he first worked as a summer intern during law school. On his second day there, he was already meeting one-on-one with his client.

"Because you don't have to justify a billable, Dish is able to give their young attorneys a lot of responsibility quickly," Cook said. "For me I really enjoyed — and that's how I like to learn — is just being thrown in the deep end and then figuring it out."

With all that we have going on in America, including COVID, it is now time to buck the system, think about how we can be so much more creative with the offerings, and ask questions, 'Why is it that we are all going to law firms? Who said that that's the path?'



Cherée Johnson

deputy general counsel, McCormick

Once he took a full-time position at Dish in 2015, Cook supported the Sling TV streaming service launch, for which he worked on high-value software and other technology transactions. Since then, he has held in-house roles at Zayo Group and Ciena Corp., where he started working earlier this year.

Cherée Johnson has a similar story. During law school, she interned in private practice at the now-defunct Howrey LLP and at Sughrue Mion PLLC. But she went in-house at 3M Co. once she graduated from the University of Minnesota Law School.

With 3M's program, she had the opportunity "to get my toe into a variety of practice areas," working with clients on a matter from beginning to end.

Since a few hundred lawyers worked in-house there at the time, Johnson said it "felt like a midsize law firm."

Johnson, whose titles now include deputy general counsel and chief intellectual property counsel at McCormick & Co. Inc., said she appreciated the ability to work without worrying about being on the clock with the billable hour that's typical in a firm position.

She said she "developed a lot of really deep relationships because I wasn't on the clock and I spent time sitting down with the business and didn't have to think about every six-minute increment as I [was] talking to them."

Will the Pandemic Be a Catalyst for Change?

While Johnson said she is not familiar with many other peers who went straight in-house without first working extensively at a firm, she thinks a shift could gain momentum with the backing of more deans and law schools.

For example, they might focus on forming relationships with businesses in cities where their universities are located and then offer internships or other programs to students interested in a law department job, Johnson said.

And with the ongoing coronavirus pandemic, this step might be more important now than ever.

"With all that we have going on in America, including COVID, it is now time to buck the system, think about how we can be so much more creative with the offerings," Johnson said. "And ask questions, 'Why is it that we are all going to law firms? Who said that that's the path?'"

And she's not alone in that thinking. Bernthal at Colorado Law predicted the pandemic will have an impact on more students going directly in-house.

"The primary driver is that as businesses evaluate their budgets, one option is to cut back on their outside counsel legal spend and bring certain functions in-house," he said. "That was what we saw in 2007, 2008. It would not surprise me to see another round of that."

"Even though it seems a little bit counterintuitive from a business perspective, they will make the decision that they think they can save money by hiring a first- or second-year attorney in their legal department as compared to what they might be spending on their outside legal counsel," he said.

The pandemic already has proved to be a catalyst for change in the legal industry, from altered views around allowing for more flexible work arrangements, to some organizations and firms rethinking their office space needs. And Columbia Law recognizes this moment of opportunity.

The In-House Counsel Lab plans to expand its programming to hear from chief legal officers and general counsel from international markets — including lawyers from Nestle SA and Unilever PLC, Herrington said.

"We've realized we don't need to just stick with the New York City geographical limitation," she said. "I think before we thought, 'Whoever is nearby can come and speak to our students.' But now that

we're virtual, we could patch in somebody from London and Zurich."

She added, "Who's to say in 10 years time what kind of trajectories we see? We're trying to prepare the students to be prepared for the modern practice of law and the profession as it evolves."

--Editing by Jill Coffey and Emily Kokoll.

All Content © 2003-2020, Portfolio Media, Inc.