

COMMUNIQUE

Nigeria's 1st Counsel to Counsel Forum

APRIL 28, 2006 AT THE LAGOON, OZUMBA BADIWE, LAGOS

CONVENER



FACILITATOR

PIPPA BLAKEMORE
Pep Partnership LLP, UK

1. OBJECTIVES

The concept of a Counsel to Counsel Forum is a regular feature in many parts of the world and has just made its debut in Nigeria on the 28th of April 2006.

Detail Solicitors the organizers of this event articulated the objectives of this effort as:

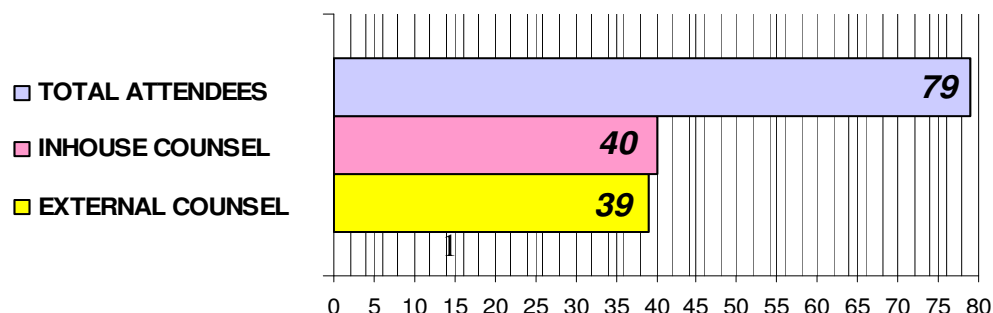
A platform for In-house Counsel and External Counsel to:

- i. Share mutually beneficial ideas
- ii. Deepen the market for legal services
- iii. Set precedent to encourage similar events
- iv. Network, relax and bond

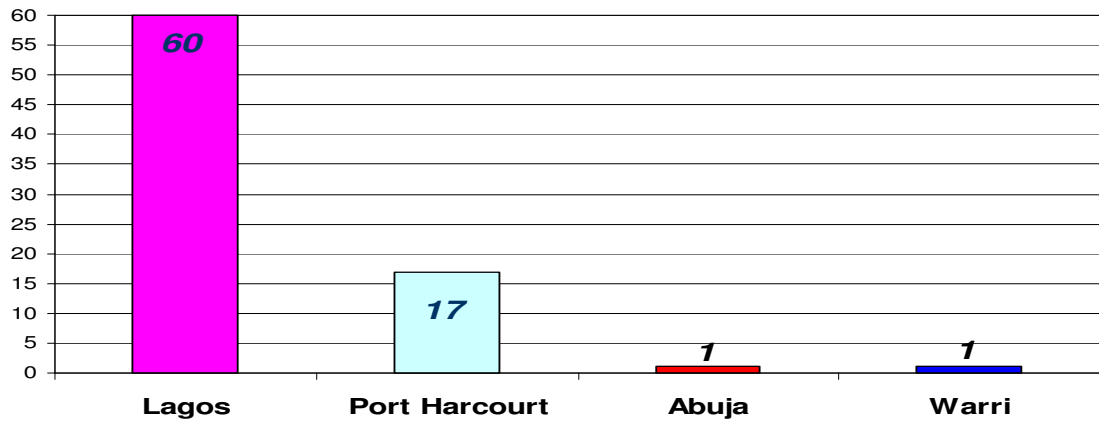
2. ATTENDEES

Relevant statistics relating to attendance are as reflected in the graphs below.

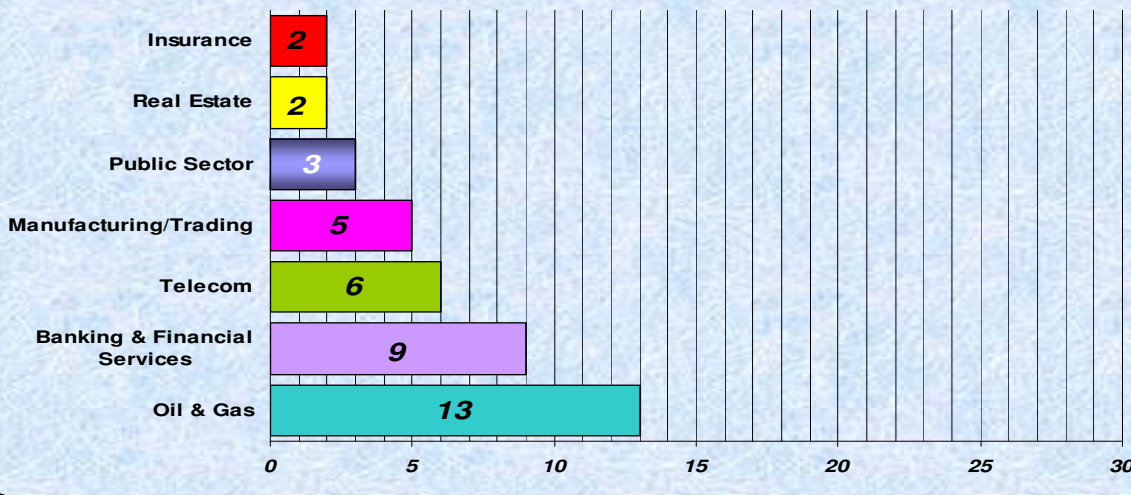
TOTAL NUMBER OF ATTENDEES



ATTENDEES BY CITY



Sectorial Breakdown of Inhouse Counsel Attendees



3. PAPERS PRESENTED

- i. **What In-house Counsel expects of External Counsel**
TOWUN CANDIDE-JOHNSON (TOTAL)
- ii. **What External Counsel expect of In-house Counsel**
AYULI JEMIDE (DETAIL SOLICITORS).
- iii. **Managing the IN and OUT relationship**

PIPPA BLAKEMORE (PEP PARTNERSHIP LLP, UK).

4. MODE

The Chairman of the Section on Business Law of Nigerian Bar Association, George Etomi, gave a short opening address. Towun Candide-Johnson gave her talk for 20 minutes. Ayuli Jemide gave his talk for the next 20 minutes. The tone was set. After a coffee break, Pippa Blakemore led the participants through an interactive workshop on “Managing The Relationship between External & In-House Counsel”. This session had intermittent breakout syndicate sessions on each table engineered by Pippa Blakemore, as she audaciously broke the ice, encouraging In-House Counsel & External Counsel to engage in an open stance, the pertinent questions raised by Pippa at appropriate stops during her paper. The organizers had dutifully pinned “*reserved for In-House Counsel*” and “*reserved for External Counsel*” alternately on each table to ensure a near equal distribution on the tables of 6-8 people. Discussions were frank, engaging and revealing, and with the permission of participants dicta phones were placed on the tables to capture the discussions live. A Panelist was appointed on each table, and called up to summarize the learning points from the discussions on the respective tables. These discussions were continued over lunch.

5. TANGIBLE GAINS OF THE FORUM.

The event had the following quantifiable gains:

- i. Made history as Nigeria’s First ever Counsel to Counsel Forum
- ii. Emergence of a nucleus to start an Association of Corporate Counsel of Nigeria (An association of all In-house lawyers in Nigeria)
- iii. Participants’ consensus that they gained a lot from the discussions.

6. LEARNING POINTS FROM THE FORUM

The key learning points have been drawn from:

- i. The presentations;
- ii. Contributions from Panelists and participants on the floor;
- iii. Replay of tapes for brainstorm sessions on each table;
- iv. Feedback from post event discussions;

6.1 **LEARNING POINTS FOR ALL ATTENDEE'S**

- i. In-House Counsel and External Counsel relationship is a partnership governed by mutual respect.
- ii. Conflicts and differences if handled properly should result in a keener appreciation of the subject matter.
- iii. Feedback should be constantly elicited from each other, leaving nothing to assumptions.
- iv. Timely and accurate information should flow between In-House and External Counsel on particular work, or generally on new trends in the industry.
- v. Capacity building through more relevant learning events will help both In-House and External Counsel.
- vi. In-House Counsel and External Counsel are barely tolerated by business organizations they work for - the usual pun on lawyers.
- vii. Lawyers training should be geared to expose them to different perspectives in the business world.
- viii. Institutions where non-lawyers co-ordinate lawyers can pose a problem
- ix. Pressures facing In-house Counsel include:
 - a. Imposition and interference of management in picking External Counsel.
 - b. Pressure to tell management what they want to hear.
 - c. Pressure to achieve results for management despite ethical constraints.
 - d. Limited time for research.
 - e. Pressure for briefs and fees from External Counsel
 - f. Poor funding for training, workshops, library and more.
 - g. Pressures of multi-tasking legal, management, public relations and more.
 - h. Administering all External Counsel and their diverse problems.
 - i. Many attendees had been on both sides acting as External and In-House Counsel at different times, and as such possessed a wealth of experience to share.

6.2 **LEARNING POINTS FOR IN-HOUSE COUNSEL**

- (i) Be more courteous in dealing with External Counsel
- (ii) Communicate Company's goals and objectives clearly in briefing External Counsel.
- (iii) Use different law firms for different types of work.

- (iv) Scale of fees and percentages for transactional work may be inequitable because it is the same time spent on low or high value transactions.
- (v) Legal fees will always be a thorny issue, and mutual understanding is the key at all times. Agreeing the fee mode upfront is helpful.
- (vi) Your Company's strong views on corporate governance and ethics need to be communicated to External Counsel.
- (vii) Involve External Counsel early in a transaction or dispute to help them understand the rubrics and provide more tangible value.
- (viii) The fees that External Counsel are paid, is a reflection of the importance of the office of the In-House Counsel. It should therefore be reasonable compensation matched with value.
- (ix) Explaining to External Counsel politely, where they have gone wrong is a fair contribution to improved service delivery and standards generally.
- (x) The thinking that you are doing External Counsel a "favour" or extending "patronage" when you brief them is wrong. The attitude should be that you require a service for which you have engaged an External Counsel.

6.3 LEARNING POINTS FOR EXTERNAL COUNSEL

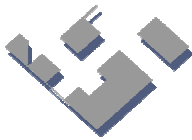
- (i) Many In-House Counsel are under pressure from their Employers, with budgetary constraints, and no freehand to make choices.
- (ii) In-House Counsel would usually use people they can trust, so rapport building is an important part of marketing legal services.
- (iii) Research and understand the business and organizational structure of your client or potential client even to minute detail such as their share price (for a quoted company) or year end.
- (iv) Knowledge and demonstrable expertise in a given area of law backed with infrastructure brightens your chances of winning work.
- (v) Law firms that exhibit depth and efficiency on a firm-wide basis would commend themselves to In-House Counsel
- (vi) Infrastructure -library, well-appointed offices and technology are considered key to superior service delivery.
- (vii) In-House Counsel can justify commensurate fees when the matter is of high priority to the Company with significant amounts of risk, or when External Counsel displays tangible addition of value and professionalism.
- (viii) Strong links with top management of our clients should be used to strengthen the In-House Counsel rather than undermine them.
- (ix) Constant information on the matter you are handling is critical.
- (x) One In-house Counsel emphasizing the importance of appearance said *"the first thing, I look at when I meet an External Counsel are his shoes"*.

- (xi) One In-house Counsel stressed simplicity in communication and said: *“give me concise opinions containing a minimum of legal jargon and a minimum citation of case law”*.
- (xii) Give early warning to In-House Counsel on possibilities of liability or other exposure in any matter.
- (xiii) In-House Counsel prefer lawyers who go the extra mile; research; review; foresee and advise, especially on issues of liability.

7. CONCLUSION

Participants found the sessions useful, rewarding, and relaxing - a worthwhile venture that should become a regular feature of the legal calendar.

Communiqué collated and edited by:



Solola & Akpana

(Rapporteurs to the Forum)

