

## Insider's Guide: Best Practices for Using Flexible Legal Talent

By: Carol Davidson

*Six minute read* (just a .1). For an insider view on flexible legal talent, read on. In .1, you will know (1) when flexible legal talent might solve your problem, (2) how to use it effectively, and (3) the answers to common FAQs.

First things first. What is flexible legal talent?

Flexible legal talent refers to attorneys who are engaged on a temporary or project-specific basis – either full-time or part-time – with set weekly availability or on a fluctuating schedule. They're not permanent hires (unless you decide to hire them).

**Quality** flexible legal talent means vetted professionals, with sophisticated law firm and in-house experience, who have the skill sets to parachute in and hit the ground running and the mindset/approach to complement your team and clients.

Some GCs can deliver a master class on using flexible legal talent. They keep it top of mind as one of the tools in their toolbox. They view workload variability as a constant and the legal department as a business enabler.

Many GCs, however, are new to this emerging strategy. Or they've tried it with mixed results.

### When is Flexible Legal Talent a Solution?

Here are examples of how legal departments use flexible legal talent.

#### 1. DEFCON 1

From normal peacetime/DEFCON 5 to imminent disaster in the space of a 15-minute meeting. That's right, the AGC just gave notice.

Bringing on a skilled temporary attorney for the AGC to hand off to before the end of their notice period provides coverage and breathing room. Whether it's (1) time to recruit and onboard a new hire, (2) time to open the position for internal team members to express interest, or (3) using this change as an opportunity to re-examine who handles what, the GC can make a deliberate, thoughtful decision.

## 2. Bridge a gap

The senior counsel knows about their upcoming family leave well in advance. A quality interim attorney will slide into the workflow and keep things moving. When the senior counsel returns, they return to a manageable workflow instead of a mountain of backlog. Your flex talent provider can recommend a slate of full or part-time attorneys, and even attorneys who ratchet up and down to meet a fluctuating need.

If the senior counsel going on leave is superhuman and handles 1.5 or 2x what mere mortals accomplish, you may need someone full-time just to keep things moving. Maybe a fractional resource will do. The team divvies up a piece or two and relies on the interim attorney to handle the rest. Or the department engages a temporary attorney to keep the balls in the air and maintain the status quo and sets aside the meaty projects until the senior counsel returns from leave.

## 3. Keep your in-house work in-house

Law firms can help with overflow. The sweet spot, though, is when in-house work is handled in-house and law firm work goes to law firms.

Legal departments rely on their law firms for a host of things.

- Litigation
- When the “other side” lawyers up
- When you need to know “what the world is doing” with an odd or novel issue
- External counsel aspects of M&A
- To check your thinking on high stakes issues
- Sporadic niche advice

When a steady stream of typical in-house work is sent out to law firms, flexible legal talent may be the answer.

## 4. Relief valve for temporary surges

For example, you have an acquisition on top of your team’s already full plate. An interim M&A attorney with the relevant industry and regulatory experience can jump in and work on diligence, contract review, and internal coordination. Or you’re implementing a new contract management system and need temporary help from someone who implemented the same system for a different legal department.

## 5. Pull a lean team out of the weeds

Your lean legal team is buried with the day-to-day, making strategic improvements impossible. A temporary attorney with a focused scope of work can avoid scope creep and random calls from the business, freeing up time for the team to handle key projects.

## 6. Evaluate hiring needs without commitment

You and your team suspect you need another full-time counsel, or perhaps the surge is a blip. Instead of rushing to hire, you can use flex talent for a short-term engagement. Cover the surge, confirm the surge was temporary, and the engagement ends. Or confirm the need for a new hire. Sometimes the temporary attorney turns out to be the ideal candidate and wants to join the company as a direct hire. Other times you want to start the hiring process to fill the perm role – the temporary attorney can stay on to support the team until the role is filled.

## 7. “Outside-in” thinking

This is both a use case and a standard feature. Interim attorneys can be more than temporary help. They can be idea catalysts, spot workflow gaps, recommend tools the team hasn’t tried, and view issues through a fresh lens. They’re not weighed down by “how it’s always been done.”

### How to Use Flexible Legal Talent for Best Results

**Step 1.** When evaluating providers, look for these 5 features.

- Hyper-focused on quality. Without question, quality talent is the most important differentiator among providers. Consider it table stakes. Providers with extensive experience in the legal industry will recognize quality talent and understand who you need.
- Easy to reach. Whether to fix your Defcon 1 situation or as a “phone a friend” to noodle with on possibilities, talent profiles, and pricing, find a provider with a lasting and dedicated contact.
- Easy to work with. Providers with a simple and adaptable process and straightforward communication will protect your time.
- Wide reach. Top providers will have a broad and deep bench of candidates and the network to identify, when needed, the most niche attorneys.
- Recommended by legal departments and law firms. Look for an experienced talent provider with peer reviews and references.

## **Step 2.** Place your order.

In my experience, it's important to have at least one detailed conversation with your flexible talent provider about who you need – expertise, skill set, mindset/approach. This should be easy – a skilled provider will guide you through the specifics, exploring details you hadn't even thought about.

Once you've developed the mind meld with your talent provider, expect to find short cuts. Make a quick call between meetings. Or send an email or text: "Our team loved working with Chris. Is Chris available? I'm thinking now through October, could be a bit longer. Similar hours as before. If Chris isn't available, can you send me options with similar expertise, available right away?"

## **Step 3.** Onboard and check in.

As your interim attorney starts, some simple but deliberate planning will ensure a successful engagement. One misstep I've seen is treating flex talent as plug-and-play. A little prep goes a long way in setting the attorney and your team up for success.

- Set expectations. Provide a clear picture of what success looks like. Describe the scope, deliverables, and timelines. Share the company's mission and values. Establish expectations for working hours and turnaround, especially for those on a part-time/fractional engagement. Your interim attorney will be an experienced, adaptable professional who wants to exceed expectations. Give them a roadmap.
- Tools and resources. Arrange access and login credentials for any hardware, software, or research tools needed. Share relevant work samples, templates, and procedures. Arrange introductions to key stakeholders and departments.
- Communicate. Pull in other team members to serve as resources to answer questions or provide guidance. Schedule regular touchpoints to provide constructive feedback.

## Frequently Asked Questions

**FAQ #1.** Finding good legal talent is hard – isn't it nearly impossible to find good temporary attorneys?

A key reason more legal departments are using flexible engagements as one of their talent strategies is the quality of skilled talent available. It's a chicken-and-egg thing. Reputable providers with deep legal industry experience will identify, interview, and vet candidates and match attorneys based on the work required and fit with your legal team and clients.

You may need someone with the chops to hold their ground with demanding clients or someone with the experience and demeanor to handle a deluge of requests without running away like their hair is on fire.

Candidates vary widely – in their resumes, temperament, and how they present during interviews. A capable flexible talent provider will screen candidates carefully to discern the best fit for you, both for experience and fit for your team and organization.

**FAQ #2.** Will the process of engaging a temporary attorney be time-consuming?

Not when you have an idea of the work you need done and the desired start date, which can be as soon as 3-5 business days if your need is urgent. How you “place the order” is key. This conversation should be thorough. It will make selecting, onboarding, and the entire engagement better. With an experienced provider, once you have a detailed conversation about who you need, you should expect candidates who meet all of your requirements, and all or most of your “nice to haves” who are available for the required duration and schedule. You or someone on your team will need to read a small number of resumes and then meet the candidate or candidates you want to further consider.

**FAQ #3.** Don't legal departments use secondments from law firms for coverage?

Although secondments have long been a go-to option, flexible legal talent offers an increasingly popular and often more tailored alternative. Each has its pros and cons depending on the situation. In some cases, a secondment is not beneficial to anyone involved - the legal department, the law firm, or the lawyer on secondment. Sometimes law firms refer their clients to flexible legal talent providers.

Secondments can be costly for law firms. Legal departments might request the most in-demand associate or new partner. Firms can miss out on revenue their attorney would have generated because they provide their attorney at a steep discount. The firm's other clients miss out on the attorney's availability, and it can be disruptive to the attorney's career development because once the secondment is over they rejoin the firm and must ramp up after their work was distributed to others at the firm.

From the legal department perspective, they may receive as a secondee an attorney with no experience working in-house. And even with the law firm providing a discount, it's typically more expensive than using flexible legal talent.

## Conclusion

Flexible legal talent has grown in popularity as legal departments have discovered how to use it. Sticking with these best practices can make a big difference in your results.

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