

NOTE TAKING OUTLINE

**You're Hired!
Getting and Keeping Clients**

**Wednesday, October 11, 2017
11:45 – 12:45
Rivoli C**

Hon. James L. Garrity, Jr. (Moderator)
U.S. Bankruptcy Court for the Southern District of New York
New York, NY

Susanne V. Clark
Senior Managing Director & General Counsel
Centerbridge Partners, L.P.
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Michael J. Foster
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PRA Group, Inc.
Norfolk, VA

Joyce Payne Yette
Managing Director & General Counsel
Promontory Financial Group, an IBM Company
Washington, DC

1. Need for Outside Counsel
 - a. Who determines whether a matter should be handled by outside counsel?

b. What is the process in determining whether to refer a matter to outside counsel?

c. What are the principal factors in the decision to retain outside counsel?

d. Do you take a different approach in dealing with bankruptcy matters versus conventional litigation/corporate matters?

2. Procedures for Selecting Outside Counsel

a. Do you utilize Requests for Proposals (“RFP”)?

b. Are there specific criteria that prospective counsel must meet?

c. How do you select the firms/individuals who will be contacted for the RFP?

d. Does the process differ if you are retaining counsel to do “commodity” work, e.g., filing proofs of claim, prosecuting lift stay motions in consumer cases, as opposed to retaining counsel to defend/prosecute a particular law suit or work on a specific deal?

3. How Does An Attorney Who Is Not On The “List” Get Her “Foot in the Door”?

a. Are “cold calls” an effective marketing tool?

b. How important is it that the attorney/firm is recommended by approved counsel?

c. How important is it to have had prior dealings with the attorney/firm?

4. Selecting Outside Counsel

a. Who oversees the process for selecting outside counsel?

b. What factors are important in the selection of outside counsel?

c. Who makes the selection of outside counsel?

d. How tough is it get the opportunity to be hired if you do not have an “in” with the General Counsel?

e. What are common mistakes made by outside counsel during the interview/selection process?

f. What diligence is done on prospective counsel in advance of an interview or pitch?

g. What are the characteristics of an effective pitch/interview?

h. What is the most important information counsel should convey during the pitch/interview?

5. You've Been Retained – What Do You Need to Do to Keep Your Job?

a. How do you evaluate the success or failure of outside counsel?

b. What are the main reasons for dismissing outside counsel and how do you do it?

c. What are the traits of effective outside counsel?

d. What are common mistakes made by outside counsel?