

It was late and my concentration was ebbing. The seventh redraft of a property finance agreement can take its toll on even the most conscientious attorney, so when my client jokingly remarked that I would be perfect for the role as their general counsel, I paused, clicked save, and gave it some serious thought. My client's passing remark resulted in my decision to leave a top legal firm where I was a junior associate and join a newly formed property company in a non-existent role. My client thought it was a match made in heaven – I had an intrinsic and comprehensive understanding of their unique finance product and I was an attorney. My client was optimistic about the long-term prospects. Someone had to be. I took the plunge, and now many years and my second corporate counsel position later, I am happy to say that sometimes the client is right.

As the group legal advisor of a large national retailer, my desk is currently littered with supplier agreements, trademark applications, compliance documents, a copy of the Companies Act and a draft disciplinary finding for a hearing that I am currently chairing. Tomorrow, my desk could look completely different. Being a generalist is key and being adaptable is essential.

My role has morphed over time. In years gone by, legal was there to provide technical legal advice and oversee the finer points of governance, ethics and compliance. Where external counsel was required, the in-house lawyer would source and manage the necessary support. As well as the above traditional duties, today's in-house attorney must also get to grips with advances in technology, data protection, the rapid globalization of trade and an increased focus on corporate governance. They must often evolve and expand into new areas. Not only is there increased responsibility and complex challenges, but there is the more strategic nature of the legal function and the contribution it makes to the growth of the business.

The in-house counsel has the added benefit of working in the same environment as their "client" and therefore has an internal view of how the company operates. This makes them valuable as decision makers, not merely advisors. The caveat is that they must know when their expertise is exhausted and when to engage with external counsel. This understanding is key to successfully blossoming as an attorney in a commercial environment. They are the perfect conduit between the company and the external experts, thereby reducing legal costs and increasing efficiency. Furthermore, teamwork is critical and being able to effectively communicate with your team in plain words rather than legalese is vital. This was an eye-opener for me, as often in a law firm, its each billing machine for itself. I often find myself in meetings with buyers, HR managers, marketing coordinators and IT specialists. They want a legal solution; however, they are not interested in the law. Navigating this conundrum is challenging but rewarding when problems are solved. A recent example of this is the COVID19 pandemic. As you can imagine, operating in a retail environment in South Africa, where we had some of the most stringent lock-down regulations in the world, was tumultuous to say the least. Obtuse and often non-sensical government regulations had to be interpreted and implemented in a matter of days resulting in the legal function being catapulted into the limelight. The synergy between internal and external counsel had never been more relevant.

Once, only the provider of legal advice and the overseer of compliance in a company, the in-house attorney of today also needs to be a commercial advisor, strategic thinker, forward planner and an excellent communicator. Gaining trust is every bit as important as legal knowledge but perhaps the most important factor of all is the ability to, not only survive change, but thrive in the constantly changing business landscape.