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# WHO'S DOWN WITH OGC?

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SHEPPARD MULLIN RICHTER &  
HAMPTON, LLP

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**NDA 2023**



**REVOLUTIONIZE YOUR  
THINKING ABOUT  
DOCKETING!**

*Calendaring Our Future Together.™*





## OGC, HOW CAN I EXPLAIN IT?

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### A show of hands, please:

- How many of you work at a firm that has a General Counsel or Office of General Counsel?
  - East-coast based?
  - West-coast based?
  - Midwest?
  - International?
  
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## OGC, HOW CAN I EXPLAIN IT?

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### A show of hands, please (cont.):

- Of those, how many work in a Docketing Department that reports directly to the GC or OGC?
- And how many work in a Docketing Department that reports directly to a lawyer such as a managing partner, practice group head, etc.?
- And how many work in a Docketing Department that reports to a non-lawyer (e.g., office administrator, director of operations, etc.)?



## OGC, HOW CAN I EXPLAIN IT?

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How many have an annual audit where the GC goes from office to office interviewing attorneys and staff?

How many have to submit reports to their GC concerning staffing, software, budgeting, risk management issues?

# OGC, How Can I Explain It?

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“I’ll take it  
frame by  
frame  
it...”



# What is a General Counsel?

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“General Counsel” for a law firm is typically someone who is responsible for making decisions on legal, risk and compliance issues affecting the firm, other than the managing partner.





## OGC, HOW CAN I EXPLAIN IT?

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### A brief history of rise of GCs for law firms:

- Trend towards appointing GCs at large law firms really took off in late 1990s/ early 2000s
- Generally, as firms grow larger, it makes sense to have a dedicated person or team handling risk, ethical, and compliance issues
  - Frees up other attorneys to focus on billable matters
  - Allows GC/ OGC to accrue specialized knowledge
  - Point person for managing relationships with insurers

# What is a General Counsel?



Are law firm GCs friend or foe to their partnerships?  
Credit: Wavebreak Media LTD

## FEATURES

### Law Firm General Counsel Have Never Been So Important. Here's Why.

We spoke to GCs including those at Slaughter and May and Clifford Chance about the changing nature of the role, and what it represents.

June 07, 2021 at 08:09 AM

🕒 0 minute read

General Counsel and In House Counsel



Varsha Patel [↗](#)  
Senior Reporter

- *“A lot of law firms have a lot of problems they don't know about because there is no central repository for hearing them.”* -- James D. Jordan of Munsch Hardt
- Post-pandemic concerns: attorneys working remotely in other states; use of AI in legal field; D&I initiatives





# From Earlier This Month:



Bill Connolly, general counsel and chief legal officer of Nixon Peabody. (Courtesy photo)

ANALYSIS

## Law Firm GCs: From Part-Time Advisers to Full-Time 'Risk Avoidance Monitors'

"What I've seen is law firm GCs are starting to be viewed less like law firm lawyers and more like members of the corporate team, like the CFO or the COO," said William Connolly, the new general counsel and chief legal officer at Nixon Peabody.

October 12, 2023 at 01:02 PM

🕒 4 minute read

Law Firm Structure



**Justin Henry** [↗](#)  
Reporter



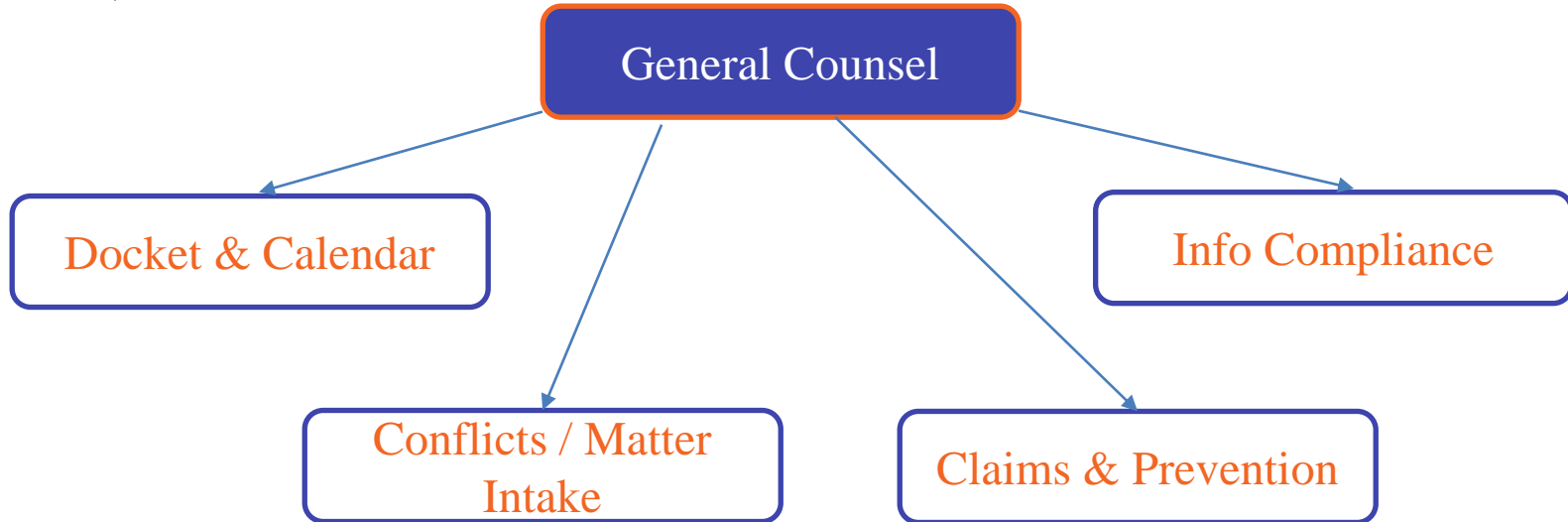
# My Experience Working in the OGC





# Sheppard Mullin's OGC

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## Sheppard Mullin's OGC

- A main focus for Sheppard Mullin's OGC, as the firm has grown dramatically over the past 10 years:
  - Bring consistency to firm practices across offices and practice groups and foster collaboration between departments

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"Our left hand doesn't know what our right hand is doing, so we're only interviewing ambidextrous candidates."



Sheppard Mullin's OGC

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In general, what's the biggest concern for the OGC?

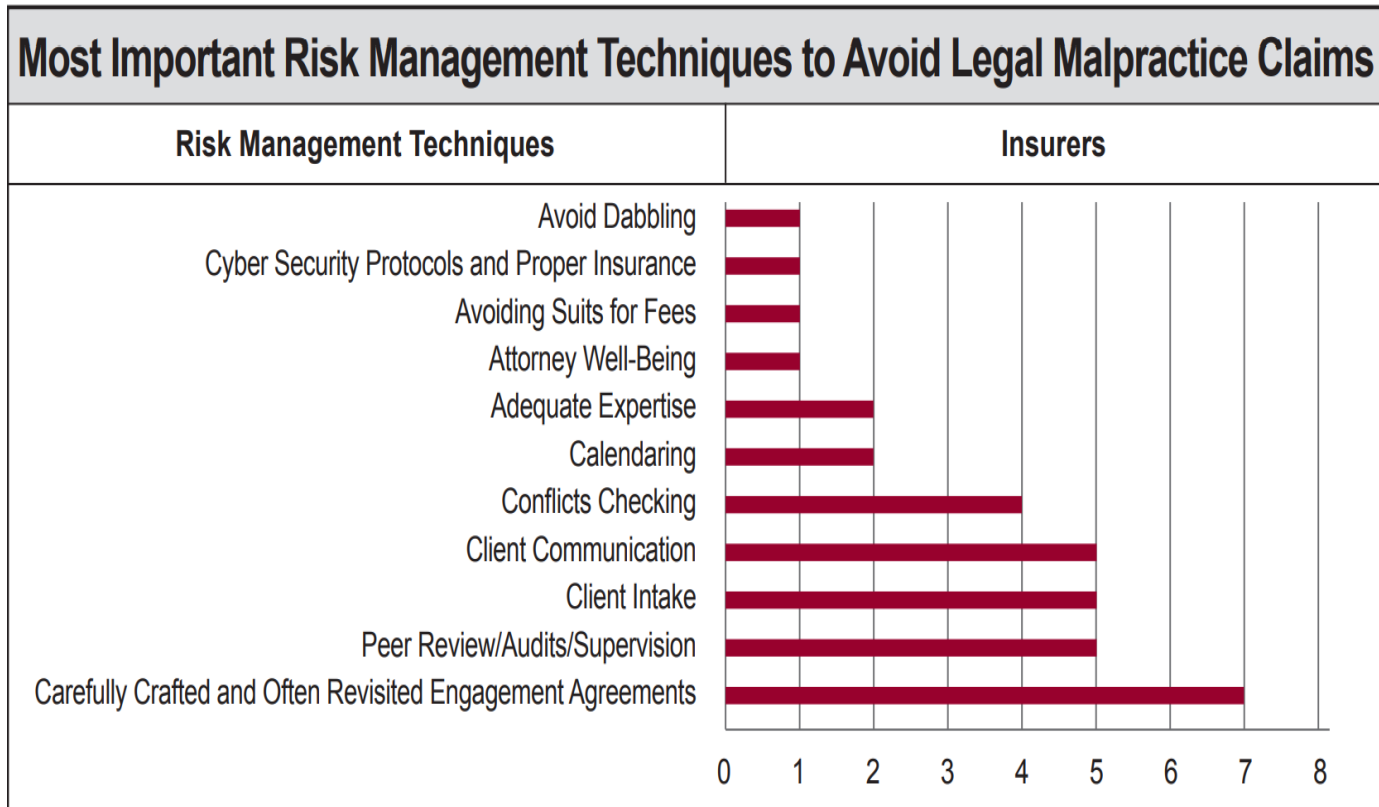
■ PROTECT AGAINST  
LEGAL MALPRACTICE  
CLAIMS!!!

# SURVEY SAYS:

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# How to Avoid Legal Malpractice Claims



# Conflicts of Interest 101

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## MODEL RULE 1.7 (Current Clients)

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.





# Conflicts of Interest 101

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## MODEL RULE 1.9 (Former Clients)

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.

(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client

- (1) whose interests are materially adverse to that person; and
- (2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.



# So What Can You Do to Prevent Conflicts?

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Docketing has access to:

- Parties to a lawsuit
- Caption
- Orders and pleadings adding parties or amending the caption



# Areas of Collaboration for Docketing

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WAYS IN WHICH OUR DOCKETING DEPARTMENT HAS COLLABORATED WITH THE OGC:

- Trigger warnings for calendaring under Miscellaneous Chargeable Accounts (CONFLICTS/RETAINER AGREEMENTS/SUPERVISION)
- Trigger warnings for documents adding parties (CONFLICTS)
- Added internal pre-trial and pre-arbitration reporting reminders (CLIENT COMMUNICATION/BILLING)



# Peer Review / Supervision/ Dabbling



Trigger warnings for calendaring under non-litigation-coded matters

\*DABBLING

\*ADEQUATE  
EXPERTISE

\*SUPERVISION



# Areas of Collaboration for Docketing

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WAYS IN WHICH OTHER GROUPS IN THE OGC HAVE COLLABORATED WITH DOCKETING:

- Client Intake more strict about approving matter names that bear no relation whatsoever to case caption
- Client Intake more insistent on opening new matters or sub-matters for ancillary, spin-off litigations



# CONCERNS/AREAS OF POTENTIAL FRICTION WITH OGC

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- For those departments that also do e-filing, there can be pressure from attorneys to just file, even if matter not officially opened
- Attorneys have to trust that you are not going to get them in trouble with the OGC
- Attorneys want to mitigate risk but don't want to deal with a lot of red tape



Thank you!