Wisdom imparted

Muhammad Tariq, Senior Legal Counsel at *TECOM Investments* shares with us his experience working in-house after closing the chapter on his days as an M&A private practitioner at Al Tamimi & Company. Leaving his former position somewhat reluctantly at first, he is now comfortably juggling the many roles the in-house move has demanded of him and offers up his advice for managing the position with efficiency, humility and decorum.

Asian-mena Counsel: **How did your career lead you to your current role with TECOM Investments?**

Muhammad Tariq: I received my law degree from England and was called to the bar at Lincoln's Inn in 2003. I started my career as a private practice lawyer and remained in private practice until the end of 2010 – my last assignment being with Al Tamimi & Company as an M&A lawyer.

Towards the end of 2009 when I was pursuing my career as a keen private practice lawyer, a secondment opportunity with TECOM Investments came along, which I accepted. This opportunity gave me first-hand experience and insight into my client's business environment and its actual business requirements.

Interestingly, I was honoured with a proposition to actually become part of TECOM Investments on a full-time basis. It must be said that as a keen private practice lawyer I was quite skeptical to move in-house at that stage in my career. I had always held the view that private practice was at the centre of the legal universe. A great majority of the lawyers around the world work in law firms and many of the best known brands in the legal profession belong to law firms. One may also argue that law firms are the first port of call when serious legal advice is required. The decision for me therefore was not an easy one.

That said, the secondment experience had also forced me to think hard about the place occupied by the clients in the legal pecking order. I have to say that I was humbled by the realisation that without clients facing legal issues there is nothing for the lawyers to advise on. Thus, there is no better place to contribute and learn about a client's business as well as the business of law itself than by sitting at what I later realised was the 'helm.' This cemented my decision to join TECOM Investments.

AMC: **What is the nature and scope of your role?**

MT: Broadly speaking, my role requires me to act as a trusted strategic advisor to my client by managing risk and protecting my client's assets while maintaining its ethical compass. My role requires me to remain on top of my technical legal skills and apply those skills to my client's legal problems using the lens of a businessman.

I am required to successfully play the roles of a legal specialist, a trusted advisor, a team player and a leader.

I am routinely asked to advise on the day-to-day and complex issues relating to the business. My role requires me to know a little about a lot of things to enable me to advise on diverse issues faced by the business. For any in-house lawyer to advise on diverse issues, he or she has to be intimately familiar with the business and products of the company. To build this awareness and approach, I spend a significant amount of time with various business teams where the knowledge of business and products is shared with me.

I am required to identify areas where I can add value, both legally and commercially. In the events where I may not have the knowledge or expertise in a particular area, I am expected to know when and who I need to consult to find the answer.

AMC: **Can you describe the biggest challenge/obstacle that you have faced since you adopted the role of an in-house lawyer and how you overcame this challenge?**

MT: I believe every in-house lawyer is required to maintain objectivity and independence from business pressures. I see the function of an in-house lawyer as a business enabler and at the same time, a guardian of the company's integrity and reputation. Successful performance of this role requires the constant balancing of potentially competing interests. This is very important for any in-house lawyer in order for him or her to give effective advice.

This very need, that is, to give unbiased advice, (especially where that advice may constrain the ability of a business unit of the client) can impact the perception of the in-house lawyer as a team player. It has the potential of causing friction in the relationship between the in-house lawyer and the relevant business unit. This is the area where I was tested in the beginning.

I successfully overcame this challenge by keeping a cool head and balancing multiple responsibilities in a professional and ethical manner. I always say that a lot depends on the in-house lawyer's ability to communicate effectively, in addition to providing sound legal advice.

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By effective communication, I mean it is critical for the in-house lawyer to appreciate that the business units in a company may not necessarily understand legal jargon or technical legal advice. It is always helpful to first understand the context and the needs and desires of the business unit and then provide jargon-free practical advice whilst at the same time demonstrating the desired empathy. Sometimes, it helps if an in-house lawyer explains a legal opinion using the client's own business language. This requires a lot of listening, understanding and relationship development. I think this approach has helped me in closing the potential distance between myself and the other members of the business team.

AMC: **What do you think is the nature of the relationship between an in-house lawyer and the business?**
MT: I think the relationship between an in-house lawyer and the client's business leaders should be that of a partnership. In-house counsel must work alongside management. An in-house lawyer needs to also understand the pressure points and the business objectives and effectively communicate the legal risk involved and solutions in any decision-making to the management.

AMC: **In your opinion, what are the main challenges in the relationship between a client and external counsel and what is your approach to resolving those challenges?**
MT: There are two major challenges that I have personally experienced while being an in-house lawyer.

The first challenge goes to the very root of the competing forces that are at play in the relationship between a client and its external counsel. Without understanding the nature of these competing forces, it may be difficult to understand the 'main challenge' in the relationship between a client and its external counsel.

I believe that from a typical client's standpoint, most of its legal requirements are routine and can be disposed of quickly and painlessly whilst at the same time keeping expenses to a minimum. It is evident in today's market that in-house lawyers' outsourcing budgets are increasingly being scrutinised. On the other hand, a law firm/external counsel is a business and their profitability depends on their client's needing their advice; and arguably therefore challenging instructions can be more rewarding and beneficial at the same time for external counsel partly because more hours can be clocked up. This very mismatch of commercial interests is where I think the fundamental challenge arises in the relationship between a client and its external counsel.

My approach to resolving this challenge is simple. I apply the analogy of a lawyer advising his or her friends or family on a particular legal issue. You may appreciate that a lawyer advising friends or family would naturally want to keep the legal difficulties and expenses of those friends or family to a minimum by giving (highly) practical advice. I focus on the important element of "shared hope" in this analogy. By applying this analogy to private practice, I believe an external counsel who, in the spirit of the lawyer advising friends or family, has the shared hope of keeping its client's legal difficulties and expenses to a minimum is highly likely to win the trust of its client. We all know the importance of being a trusted advisor: inevitably it is the trusted advisor who attracts the most complex and high value work.

The second challenge in my view arises in some cases where external counsel may not understand the client organisation that it advises. This challenge may be considered a part of the first challenge. The external counsel in certain cases may not be willing or interested in ascertaining what it is actually like to work as an in-house lawyer.

I place high importance on the ability of external counsel to appreciate the role of in-house lawyers. In the language of popular psychology used by John Gray, it could be said that the external counsel are from Mars and the clients are from Venus. Simply put, where external counsel steps on the gas/shoots from the hip and is quick to provide a solution, the client often only wants outside counsel to appreciate what it is like to be in the client's position and to get a sense of the bigger picture, before going any further.

This challenge can be resolved if the client and external counsel can understand and agree upon the role of the external counsel as an extension of the client's in-house legal team rather than viewing them as two separate teams. External counsel in my view should spend more time understanding the business and the mindset of its client. This approach is highly likely to produce mutually rewarding benefits for both the client and to a broader extent, the firm.

AMC: **Do you feel that moving in-house was the right decision for you given your initial preference for a career in private practice?**
MT: I believe there is a great amount of truth in the statement that the best lawyers are good business people.

I am glad that my in-house experience has greatly broadened my vision – I have not only understood the mindset of my client but also the business of law itself. It is this very insight which I feel would not have come to me had I not sat on both sides of the equation. This insight has made it simple for me to mentally map the client's objectives for each assignment and understand what a client looks for while instructing external counsel. So, be it private practice or in-house, I am now far better equipped to understand and serve the interests of my clients.