



TRANSITIONING OUTSIDE LEGAL COUNSEL

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An association hires a new Executive Director. The association has a long-standing good relationship with its outside general counsel. But, as is often the case, the Executive Director feels more comfortable with hiring a new association attorney, usually one with whom she has an existing relationship. Assuming that the association board (or the Executive Director's contract) permits the Executive Director to hire new counsel, how should the Executive Director, current counsel and new counsel interact? While it is inevitable that there will be some awkward moments, there are ways to handle this tricky situation.

Outside general counsel knows and understands that a new Executive Director may not want to continue the association-counsel relationship, for whatever reason. While outside counsel may not be happy, more than anything, she wants to be treated in a fair and respectful manner. This means communication is critical. Acknowledging the positive contributions of current counsel is helpful. Explaining the reasons for the transition decision is proper. Assuring outside counsel that she will be paid for her services is important.

Outside counsel has a duty to be helpful during the transition. Undoubtedly she will be cooperative and act in a professional manner. The association can ensure this by minimizing confusion and negative feelings.

It is in the association and new counsel's best interest to make the transition as smooth as possible. By making the transition seamless, the association and new counsel will spend less time having to reinvent the wheel and less time debating issues with current counsel. It is likely that, in the future, the association and new counsel will continue to need the assistance and cooperation of the current attorney, even if this is on a diminishing basis. That cooperation can be critical.

In order to ensure the best transition results, the association and new counsel should treat current counsel fairly, and with respect and dignity. This shouldn't be difficult since most attorney client relationships are positive and long standing. There is nothing wrong with leaving a professional relationship on good and fair terms. Everyone benefits.