



3 Ways Interim Counsel Offer Big Wins To GCs

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Introduction

Here's how your department can meet today's challenges.

As a General Counsel, you may feel torn about the best approach to take when your team is facing a special project or a work surge.

You could simply **ask your staff to take on the extra work**, but putting too much on their plates could lead to burnout — or at the very least, some icy stares across the conference room.

Alternatively, you could **hire another staff attorney**, but that means onboarding a new person and trying to wring an additional salary from your budget.

And of course, you could **kick the work to an outside law firm**, but their rates continue to rise, even as budgets continue to fall.

With flexible interim counsel, law departments can access high-quality support without overextending their resources. Not only do these attorneys have premier credentials and work experience, but they're also able to seamlessly fit into your legal department

In this spirit, we bring you three situations inspired by our years of experience providing interim counsel. *(Any resemblance to real companies or events is entirely coincidental.)*

Here's how flexible counsel can help your law department meet and exceed its business goals.



Should you...

Ask your staff to take on the extra work?

Hire another staff attorney?

Kick the work to an outside law firm?

Read on for a better solution.

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SCENARIO 1: **Turning Chaos Into Compliance**

After several years of growth, things seemed to be settling down at Fortana, a new athletic wear company.

However, it wasn't long before their legal team was hit with a fresh challenge: A customer had emailed the company and wanted to know about the personal information Fortana had collected on them.

The customer's request was submitted under the California Consumer Privacy Act (CCPA), a landmark new privacy law that went into effect in early 2020.

As it turned out, Fortana's law department had been so busy dealing with daily legal issues that it had forgotten to make sure the company was compliant with the CCPA. Among other things, the law allows consumers to ask companies to identify the kinds of personal information collected on them, and figuring out exactly where this information is stored can be a challenge.

After a frantic meeting with the IT department, it became clear that compiling the personal information of any customer who sought it was going to be a heavy lift.

Ultimately, Fortana's GC decided that she needed to bring in a privacy attorney for this project, as her staff attorneys lacked experience on privacy issues. However, with their go-to outside law firm charging \$350/hour for privacy matters, the GC worried about the cost of hiring a law firm for this project, particularly since the legal team was under pressure to keep expenses down.



Fortunately, one of the GC's friends recommended using an interim counsel provider, which was able to provide a top-tier attorney with extensive privacy experience, at a rate that fit the law department's budget.

The interim attorney, Jackie, would be embedded with Fortana's legal team throughout the project, allowing her to develop a comprehensive understanding of the company and its operations.

During her first week, Jackie met with key stakeholders at Fortana, including members of the IT team, to get a sense of where their customer data was stored. Together, they developed a data mapping plan, in order to bring Fortana's consumer information into a centralized location. The data included customers' email addresses, as well as their geolocation data, due to the location features in Fortana's app.

After completing the data mapping, Jackie helped the Fortana attorneys create a playbook for responding to data requests, so staff attorneys would know exactly how to handle such inquiries in the future. She ensured the company was fully compliant with the CCPA and that its legal team understood Fortana's obligations under the law.

After seeing how Jackie had helped her team identify gaps in their knowledge with regards to the CCPA, the GC decided to keep her on for a bit longer, so she could complete a full review of Fortana's privacy program. Jackie got to work assessing the company's overall privacy policies and procedures, including the privacy provisions in its vendor agreements. And because she had already been

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working inside Fortana for several weeks, Jackie knew exactly who to call when she had questions about certain policies or contracts.

After offering several recommendations for strengthening the company's privacy program, Jackie also made sure that Fortana was in compliance with the General Data Protection Regulation (GDPR), the European Union's tough new privacy regulation. She walked the legal team through the nuances of the E.U. regulation, taking care to point out the differences between it and the CCPA.

Additionally, while performing her overall review of Fortana's privacy program, Jackie was able to ensure that everything was running smoothly with the company's new CCPA procedures.

When the company received a new CCPA request, she was there to answer questions from the legal team as they responded to the inquiry, using their new internal CCPA playbook.

The challenge...

Quickly creating and implementing a compliance framework to address the new privacy regulations

The solution...

Interim counsel provider

Data mapping plan

Response playbook

Privacy policy review

As Jackie's time with Fortana came to a close, the GC felt confident that if a new state privacy law was enacted, Jackie could return to the company to help it become compliant with it. With privacy legislation percolating in multiple states across the country, she knew it was possible that the company would need to get up to speed with fresh privacy laws in the future.

Fortunately, after being embedded with Fortana's legal team for several months, Jackie would be able to quickly assess how the new laws could impact the company, and would be able to hit the ground running.



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SCENARIO 2: **Bringing Flexibility to Workflow Management**

Interim counsel can also give GCs greater flexibility in how they manage workflows, as interim attorneys are able to move between different legal teams, depending on where the need is greatest.

Take, for instance, a scenario at NuDesk, a hypothetical tech company that makes organizational software for businesses. Their flagship product — a software program that allows HR departments to track employee schedules — has become hugely popular and is used by major corporations across the country.

As NuDesk has grown, so has its legal department's commercial division, which handles the company's contract and transaction needs. Although this team has different divisions for different products, the division that handles legal issues related to the HR software program is typically the busiest.

In order to assist with this division's overflow work, NuDesk brought on Harry, an interim attorney with significant commercial experience.

During Harry's time with the company, NuDesk decided to ramp up marketing for its project management software, which had yet to see the success of its HR software. As demand for the project management software increased, it quickly became clear that the legal team devoted to that program was going to see a serious increase in work.

However, the company's GC was unsure of whether she needed to hire another full-time attorney to help with this surge. How long was this work uptick going to last? And would hiring another permanent attorney be a waste of company resources?

At the same time, things had stabilized for the legal team devoted to the HR software, which meant they no longer needed Harry's assistance. This gave the GC the perfect solution to her workflow management dilemma: Why not move Harry to the project management software team, which was experiencing a work increase?

This turned out to be the ideal outcome, as Harry was able to bring everything he'd already learned about the company to his new team.

Rather than have to hire a new, permanent attorney — who would need time to become familiar with the company's inner-workings — the GC was simply able to move Harry from one team to another.

Without missing a beat, Harry brought his contract-drafting skills and company knowledge to a different division of NuDesk.

What's more, after this work spike had abated and Harry left the company, NuDesk asked for him to come back when they were hit with another work surge several months later. Thanks to his prior experience with the company, he was able to seamlessly plug back into the legal department.

The challenge...

Meeting shifts in demand for legal work that requires in-depth company knowledge

The solution...

Interim attorney hired and moved where needed to fill the gap

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SCENARIO 3: Finding Support During a Hiring Freeze

In this case, Hurricane Games, a video game company, was forced to institute a hiring freeze just months before it was set to release a much-anticipated video game console. Since sales for its last game had been lower than expected, the company decided to put a hold on new hires until its latest product was released.

Unfortunately, this hiring freeze posed a problem for the company's GC. His team was already stretched thin, and now it was facing a mountain of work related to the upcoming console launch. Although the GC considered dividing the extra work among his existing attorneys, he was worried this could lead to burnout among his staff, and even cause some team members to quit.

While contemplating the company's budget issues, however, the GC had an important realization: the company's hiring budget was separate from its vendor budget, which hadn't been frozen. This allowed the GC to hire an interim attorney to assist with the legal issues related to the console release, without violating the hiring freeze mandate.

What's more, by using flexible counsel, the GC didn't need to worry about the many issues that come with hiring a permanent staff attorney. For instance, since the interim counsel service already gave benefits to its attorneys, the GC didn't need to worry about that. He also didn't need to fully on-board the interim attorney, which allowed her to jump directly into the work.

Finally, by using flexible counsel instead of sending the extra work to an outside law firm, the GC was able to access high-quality support while avoiding law firm prices. For a company facing a hiring freeze, this was especially valuable.

Ultimately, the interim attorney was able to assist the legal department at Hurricane Games with a variety of issues related to its console release, including several key intellectual property matters. By bringing on flexible counsel, the legal department was able to complete its work in time for the product launch and the GC avoided burning out his staff — all while a hiring freeze was still in place.

The challenge...

Navigating a surge in legal work while hiring budgets remain frozen

The solution...

Flexible counsel hired out of a vendor budget for a reasonable rate

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About Paragon

Paragon is a premier legal services firm providing interim in-house counsel to leading corporate legal departments. Paragon attorneys have deep experience in a wide range of practice areas — including privacy, employment, and intellectual property — and are ready to help your legal team tackle its next challenge. Whether you're looking for specific expertise, the flexibility to move attorneys between teams, or assistance during a hiring freeze or tight budget period, Paragon has you covered.

**Contact us to learn more about
Paragon and our attorneys.**



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