



205 Being a Better Business Team Member

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Faculty Biographies

Jin H. Kim

Jin H. Kim is director, corporate counsel at the Starbucks Coffee Company, located in Seattle, where he is a member of their legal department's labor and employment group. Mr. Kim manages employment-related litigation (both individual and class action cases) and provides legal counsel to human resources professionals and managers throughout the company. Within Starbucks, Mr. Kim specifically provides legal support to the company's diversity, staffing, and supply chain and coffee operations, as well as labor law support to the company's retail operations.

Prior to joining Starbucks, Mr. Kim served as in-house employment counsel at The Boeing Company in Seattle. While there, he managed Boeing's compliance with a landmark, four-year settlement agreement with the Office of Federal Contract Compliance Programs (OFCCP), and he managed one of the few U.S. Equal Employment Opportunity Commission (EEO) class action cases to go to jury trial. Mr. Kim joined Boeing after beginning his legal career with Davis Wright Tremaine.

Jin received his B.A. and J.D. from the University of California at Davis.

Clifford M. Sloan

Clifford M. Sloan is publisher of *Slate Magazine* and vice president, business affairs and general counsel of Washingtonpost.Newsweek Interactive, The Washington Post Company's internet and news media subsidiary, in Arlington, VA. Washingtonpost.Newsweek Interactive publishes washingtonpost.com, Newsweek.com, Slate.com, and BudgetTravelOnline.com.

He has served in various government positions, including associate counsel to the President of the United States, assistant to the Solicitor General at the U.S. Department of Justice, associate counsel in the Office of Independent Counsel (Iran-Contra), and law clerk to Supreme Court Justice John Paul Stevens and U.S. Court of Appeals Judge J. Skelly Wright. Mr. Sloan also has taught the law of cyberspace as an adjunct professor at Georgetown University Law Center, George Washington University Law School, and American University's Washington College of Law.

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Being a Better Business Team Member

ACC's 2005 Annual Meeting: Legal Underdog to Corporate
Superhero—Using Compliance for a Competitive Advantage

October 17-19, Marriott
Wardman Park Hotel



Presenters

- **Jin Kim**
 - Starbucks Coffee Company
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- **Cliff Sloan**
 - Washingtonpost.Newsweek Interactive
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- **Amy Tu**
 - The Boeing Company
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Top 10
Myths about the
Relationships between
Lawyers and Business
People

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Top 10

Myths about the Relationships between Lawyers and Business People

10. "Legal is just a cost center"

- Legal is not a revenue generating enterprise, but consider how lawyers can add value for the business people
 - Solutions that give your business a competitive advantage
 - Alternative fee structures
- When does penny pinching make sense and when does spending extravagant amounts of money make sense?
- Added value of outside counsel?
- Has all information been provided to counsel?
- Business people simply want to see it done right the first time.

9. "Legal is a firefighting organization"

- When is legal brought in? Often times, the law department is brought in too late which explains why it tends to be perceived as a cost center.
- Why is legal brought in at late stages? Many business people bring in counsel late because of personal experiences or a perception that lawyers are hindrances to discussions among business people
- Advantages of proactive lawyers practicing preventative law
- Disadvantages of bringing legal in too late



Top 10

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8. "Legal made me do it....aka Legal approved it."

- How does your company view the role of legal?
 - Decision maker?
 - Tiebreaker?
 - Scapegoat for business decisions gone bad?
 - Check the box?
- What is the relationship between legal advice and business decisions?
- Do business decision makers "own" their decisions? Or does the legal department carry that burden?
- It's never the business person's fault.

7. "It's a business decision"

- Frequent criticism of in-house counsel
- This is not particularly helpful advice—what decision is NOT a business decision?
- Why doesn't the lawyer understand the business strategy?
- And, what about those lawyers that make *all* of the decisions?
- Potential conflict issues? Privilege issues?
- Business people simply want added insight and advice from their lawyers



Top 10

Myths about the Relationships between Lawyers and Business People

6. **“Yada, Yada, Yada”**
 - Keep your eye on the ball; what’s the big picture?
 - Are you too engaged (i.e. lost in the weeds and not focused on the ultimate business objectives)?
 - Are you not engaged enough?
 - Discussions, discussions, discussions
 - Business people need decisions to be made quickly with all relevant information available

5. **“Lawyers are from Mars, Business people are from Venus”**
 - Communication between the parties can often times be strained and difficult
 - Lawyer-speak
 - Business people want complex matters explained simply.
 - What’s the bottom line?



Top 10

Myths about the Relationships between Lawyers and Business People

5. **“Lawyers are like Rabbits...they multiply”**
 - While it’s important to make sure that specialists are involved, what’s the proper balance?
 - Business people need to understand why it takes more than one lawyer to make a decision

4. **“The Oracle”**
 - Not engaging with client; rather offers soliloquies
 - Outside counsel? How useful is it to engage the “name” partner?
 - Business people want an active participant that who will help flesh out issues and provide an objective perspective



Top 10

Myths about the Relationships between Lawyers and Business People

3. "Anyone? Anyone? Anyone?"

- When will the project be done?
- Argumentative on nits
- Unresponsive
- Value added?
- Resource issues?
- Business people simply want a response...even if it's not the response they want to hear

2. Business Partners

- If you do it *that* way, this is how I will defend you. If you do it *this* way, you won't need me.
- The goal is to think creatively, achieving objectives and goals without compromising legal risks
- Be solution oriented- "Here is another way to accomplish your goals."
- Business people want lawyers who can think outside of the box especially on gray matters.
- Be a REAL team member
 - = Participate as a team member as much as possible
 - = Take active steps to understand the business inside and out



#1

Myth about the Relationships between Lawyers and Business People

SYBIL

- **At the end of the day, both lawyers and business people need to clearly understand each other's perspectives and needs.**
- **Business people do not want SYBIL; they want someone who understands the business and provides solutions.**



Reference Materials

1. "The Strategic Lawyer," by Jill Schachner Chanen, ABA Journal, July 2005.
2. "From Lawyer to Business Partner: Career Advancement in Corporate Law Departments" (Chapter 2 "From Lawyer to Business Partner: The Key to Advancing In-House"), Minority Corporate Counsel Association, 2003.
3. "From Lawyer to Business Partner: Career Advancement in Corporate Law Departments," ACC, February 2004.