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## A Continuing Conversation with Leaders from the Legal Industry

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Shai Halivni, *General Counsel*

Shai Halivni has practiced law for over 22 years. He has served as GC for high growth technology companies, a software company, a retailer, manufacturers, an aesthetic company, and a consumer product company, both locally and internationally. He is experienced in all aspects of general corporate law, including litigation management, employment, corporate governance, IP, M&A, strategic partnerships, sales and marketing support, contracts, securities, business development and start-ups, anti-trust, regulatory compliance and general business regulations.

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**Q: *What about your job and/or day-to-day activities do you think outside counsel should know that would better enable them to serve your needs?***

A: Outside counsel needs to better understand that every time I pick up the phone and call them it is with some amount of trepidation. My mind immediately fast forwards one, two or three months ahead when I will have to approve the resulting bill (no matter how reasonable it might be) and justify it to my friends in finance or to my CEO. At such time, there are always a few questions that are explicitly or implicitly asked: Why couldn't you do this yourself? Did this issue require going outside? Did outside counsel do the minimum needed to get the job done reasonably well?

The first two questions are incumbent upon me to answer. It is the third one that I find outside counsel has the hardest time dealing with. Whatever the assignment is, B or B+ work will usually suffice to get the needed results. I don't expect that every risk will be accounted for and resolved. We are all business folks and understand that every deal involves risks. Just help me get to where I need to be as quickly and cheaply as possible so that I can justify the bill when I receive it.

**Q: *What are your expectations for outside counsel who represent your company?***

A: It of course depends on the nature of the assignment. If it is a fairly discrete project that does not require general knowledge of the company (lets say for example responding to a specific complaint in an isolated jurisdiction) then simply get to work on the project. Of course, outside counsel is always welcome to get to know me or the company better, just not at my expense. I will always make myself available to outside counsel who wants to learn more about the company. If the project requires a general knowledge of the company then I will pay for that ramp up.

**Q: *What steps do you believe outside counsel can take to better manager their clients' expectations?***

A: It is all about communication and the responsibility is as much on me to communicate as it is on outside counsel. There should be no surprises in terms of the work product produced, who is working on the projects or the ultimate costs of such projects. I pride myself on being able to predict the amount of invoices with a reasonable degree of accuracy. The only way that I can do that is by constantly communicating with my outside counsel. That is the method by which I can inform outside counsel of my expectations and they can let me know how they are progressing on the project (and thereby manage my expectations).

**Q: *What are some reasons why you have terminated relationships with outside counsel?***

A: It is very rare that I will affirmatively terminate a relationship with outside counsel. More common is that I will stop sending them work. On occasion, I will insist that someone else within the firm do my work if I am not satisfied with the particular lawyer. Reasons that I have affirmatively terminated a relationship include wrong factual advice (such as failure to be up to date on the latest legal developments) or failure to instill confidence in my superiors.

**Q: *What steps have you taken to address some of your billing and/or fee issues?***

A: It begins and ends with a simple dialogue with the relationship partner. Most of my billing issues are relatively minor. My experience has been that if for whatever reason I am not satisfied with a bill outside counsel will work with me until I am satisfied.

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