

# Q&A: Chambers USA Editor Toby Eccleshall and Researcher Kush Cheema

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The Chambers and Partners USA research season is upon us again. Due to the instability caused by the COVID-19 pandemic, Chambers pushed back the start of its research cycle in the U.S. by almost six weeks. The first submission deadline is now July 23, with subsequent deadlines falling approximately every four weeks, on Aug. 20, Sept. 18, Oct. 22, Nov. 19 and Dec. 8. Deadlines by practice area and region can be found [here](#).

I recently sat down with *Chambers USA* Editor Toby Eccleshall and Kushraj “Kush” Cheema, Head of USA Research Development for Chambers and Partners, for a Q&A about data protection, referees, general submission advice, and their diversity and inclusion initiatives.

## Data Protection

In recent years, there has been a growing concern about Chambers and Partners’ data protection and policies. Law firms have been pushing back about sharing their clients’ names, specific details of cases and outcomes.

### Q. Can you tell us about Chambers’ data protection policies?

*Eccleshall:* We have a secure database that holds the personal data of referees provided to us by law firms, and we will not sell any personal information to any third party. We protect our data using data loss prevention software to safeguard against malware, ransomware and viruses, and all of our staff have received training on data protection. We have the utmost confidence in our data security.

The client testimonies we receive form such an integral part of our ranking process, and we would never want to jeopardize the relationship we have with them or the firms they work with, so we treat their personal information with the greatest respect.

### Q. What trends have you seen in the level of confidential information you are receiving?

*Eccleshall:* We haven’t noticed any major differences in the amount of confidential information that we receive. We treat anything confidential shared with us with complete discretion and sensitivity, and we have a strong track record of ensuring it stays protected.

There is no obligation to provide confidential work highlights on a submission, and we will not mark firms down for failing to do so. However, we give firms the option to include confidential matters in case they feel their publishable work alone does not represent the full strength and breadth of the work they do.

**Q. If firms are reluctant to share confidential information, how do you suggest they highlight their work?**

*Eccleshall:* The most important thing is to provide us with as much information as they feel comfortable doing. Firms may decide to redact the client's name and instead provide a brief description of the client, such as its size and the industry it operates in. The more information we receive, the better a judgment we can make on the quality of work being done, but we will not penalize firms for not giving us the client name.

## Referees

Given the impact the pandemic has had on companies and the U.S. workforce, we have heard from some law firms they are considering submitting only a limited number of client referees for 2021 research.

**Q. Since the rankings are heavily weighted on client feedback, how will fewer referees affect the research process for 2021?**

*Eccleshall:* The short answer is it is too early to say. The outbreak of COVID-19 has affected the legal industry in so many ways, and firms are having to adapt to how they conduct business. Chambers is no different.

It is important to stress that, in analyzing the impact of the pandemic on other Chambers guides, we have not seen a significant impact on response rates. In the *UK Guide*, for example, we did see a drop-off in participation from referees around the time the lockdown was announced, as many across the country transitioned to remote working, but once that transition had been made, engagement returned to expected levels. We have noticed similar trends in other countries badly affected by the coronavirus pandemic, such as China, Italy and Spain.

Many of those referees we spoke to have been incredibly grateful for the work their lawyers have done for them during this difficult time and have been eager to give them the credit they deserve through speaking to us, so I would encourage firms not to make assumptions about their clients not wanting to participate. However, firms are, of course, in the best position to make that judgment call.

When we start U.S. research in August, we will be closely monitoring levels of engagement to assess whether we need to make changes to our research or evaluation process. We intend to be as flexible as we can be: giving as much time for clients to respond as possible; making the most of email questionnaires as opposed to phone calls, where necessary; and working with firms to try to ensure the process is as smooth as possible.

We have to remain cognizant of the global situation throughout and put plans in place in

case the situation changes for the worse during research. If firms want us to put a temporary halt to contacting their clients, we will happily oblige. We will try to be as accommodating as possible throughout the research process with requests firms have, although we will always have to ensure we are adhering to our own research guidelines.

**Q. Do you plan to use other information, and if so, what will that be?**

*Eccleshall:* We have always produced our rankings by assessing firms' submissions, client feedback and market commentary. I do not foresee this year being different, but, if we are faced with a situation whereby response rates are lower due to COVID, we will consider how to address that, perhaps by placing more emphasis on firms' work or opinions from the wider market.

If we need more information to make informed decisions, we will explore how to go about obtaining it. However, as mentioned earlier, we are fully expecting referee participation to be at a strong level, and we are prepared in case it is not.

**Q. How do you suggest firms address the lack of referees to submit?**

*Eccleshall:* We would encourage firms to put forward as many client referees as possible. *Chambers USA* is a guide for clients, and it is important that we continue to reflect their views. It is also the firm's opportunity to display the excellent work they have been handling for [clients] during these most extreme times.

We fully appreciate the concerns [about] sensitivity, given the current circumstances. It is up to firms to decide when it is appropriate to put forward their clients as referees, [since] they understand the dynamics of the relationship better than anyone else. However, we will always be respectful in our communications with them and remain confident that a similar number to last year will continue to engage with us over the coming research cycle.

If firms are struggling to provide a full list of client referees, the best thing to do is explore putting forward other professionals who would be able to provide an assessment of [a] firm's work in a non-client capacity. They can provide a useful perspective to us, but I would always emphasize providing client referees over non-clients.

Firms should also bear in mind that it does not always have to be the most-senior contact within the client organization [who] provides feedback. The quality of the feedback provided far outweighs who provides it.

*Cheema:* The best referees are those [who] can offer an informed view *and* have the time to speak with us. It's sometimes useful to refer deputy general counsel, corporate counsel, etc., instead of senior executive team members, especially given a GC/CLO/CEO will often have a fleeting relationship with the lead lawyer and only a few spare moments to talk about it, whereas someone a little lower down the hierarchy can offer a more-detailed opinion [of] a firm's entire team, including junior partners and associates, in a thorough interview. We'll take all feedback as indicative of the client company's thoughts, regardless of which individual is referred.

**Q. If multiple firms submit the same client referee months apart, what is your procedure?**

**For instance, if a firm with an October deadline submits a referee who was previously submitted and contacted, what happens? Does this mean the firm loses this referee's feedback?**

*Eccleshall:* We have guidelines in place to try to ensure that we are not bombarding clients with communications and to limit the number of times we reach out to get feedback ... if we have already contacted someone or interviewed them, we will try not to reach out to them again for another three months. We will always try to get feedback on all the firms that have put them forward in a single call, but will circle back if necessary.

Many firms provide their referees in advance of research, meaning that, if we speak to someone early in research, we can ask them about all practice areas for which they were due to be listed as a referee that year. Firms can make changes to their referee spreadsheets via the "My Account" page on our website at any point until research for that category commences.

Information on the Chambers USA referee contacting procedures can be found here: <https://chambers.com/guides/usa/faqs>.

## General Submission Advice

Increasingly, boutique firms have practices that are concentrating in one area that touches on multiple industries. For instance, a small to midsize litigation firm that practices in a large state – say, New York – may have a practice that touches on healthcare, energy, technology, etc. It can be challenging to include a sufficient number of matters to provide a full picture of the firm's capabilities because of the breadth of industries/practice areas they cover.

### **Q. How do you recommend they submit their matters?**

*Eccleshall:* Generally speaking, our Litigation: General Commercial tables are a decent catch-all for most civil business disputes. However, our emphasis will always be on commercial litigation, particularly in states such as New York where there are a huge number of major business disputes, so these should be prioritized.

The general rule is that, if we have rankings for a practice area, the relevant work should be submitted for that category. Realistically speaking, a firm is unlikely to receive a ranking with only one or two work highlights for a particular practice area, which is why, in these cases, including them [in] the Litigation: General Commercial submission is the best course of action.

*Cheema:* Specialist sections, including Energy & Natural Resources, Intellectual Property and Healthcare, are designed for distinct practice groups that handle a prolific flow of high-end work in that specific area.

*Eccleshall:* If the firm only handles one or two of these types of cases a year, they can be included on the Litigation: General Commercial submission to show the breadth of work being done.

This is always something that the USA Editorial team would be happy to advise on.

## Diversity

Firms recognize the importance of and are working to improve their diversity and inclusion programs. They are also being asked to provide this information in RFPs, but they are struggling to depict a complete picture due to privacy and EEOC requirements.

### **Q. How will Chambers use the diversity information you are requesting for the practice group?**

*Eccleshall:* Our goal is to give an accurate depiction of the diversity of firms' attorney rosters. It is important to clients, so we are looking to find a way to provide them with that insight. ☒

*Cheema:* Diversity information is something that is being frequently requested by in-house clients to go alongside Chambers' qualitative reviews, [since] it forms an increasingly important part of their deliberations when selecting outside counsel. While we're still finalizing details on how this information will be displayed, it is possible that this factual information will be included alongside our editorial.

*Eccleshall:* We are sensitive to the position this could put firms in and in no way are we looking to name and shame them.

### **Q. Will this be a factor in the firm's overall rankings, and if so, how?**

*Cheema:* No. The main factors in achieving rankings will remain evidence of technical excellence and client satisfaction, provided via the submission and our collection of feedback. Diversity statistics will serve to complement our existing reviews and not form part of the decision-making process itself.

*Eccleshall:* However, Chambers will always be led by the views of in-house lawyers, so there may be occasions where a consistent trend of client feedback criticizing the lack of diversity within a team may count against them.

### **Q. If firms are unable to provide this information at the practice level, should they use the overall firm information?**

*Cheema:* Yes; however, please do specify that the information pertains to the broader firm rather than the specific department.

If you'd like more tips for managing your Chambers submissions, watch our webinar about how to [handle Chambers submissions](#). For [tips on improving your Chambers submission process](#) or [writing a winning nomination](#), contact [rankings@jaffepr.com](mailto:rankings@jaffepr.com).