



## How attorney choose law firms

By A. Harrison Barnes, Esq.

**As professional search consultants, part of our job is to counsel attorneys on a daily basis as to how they should choose between competing law firms. There is a considerable degree of insight that is needed to understand the psychology that attorneys attach to choosing between competing offers, and contrary to popular perception, attorneys do not always choose to work in the highest-paying or most prestigious law firms. Understanding why attorneys choose one firm over another can help you both attract and retain attorneys after they are hired.**

While there are exceptions, most attorneys choose between competing law firm offers based upon

- The perceived prestige level of the firm,
- The perceived sense of importance that the attorney attaches to working in a given firm,
- Whether or not the attorney perceived that he/she will be assimilated in a socio-cultural perspective into the firm,
- The perceived work offered,
- The attorney's perceived advancement potential in a given firm, and
- Money

As we analyze the placements we make, even we are surprised to see that the least important consideration to most attorneys is the money offered. How law firms deal with the perceptions that motivate attorneys' choices to join a given firm is of paramount importance in the recruiting of talented attorneys.

### **RULE 1: MOST ATTORNEYS WILL CHOOSE A FIRM BASED ON THE FIRM'S PERCEIVED PRESTIGE LEVEL**

While there are exceptions to this rule, attorneys will generally pick the more prestigious (i.e., well known) firm over the less prestigious firm. For large national law firms, there is certainly a drawing power that they have over more regional or smaller competitors that to some extent *allows them to exert control over the hiring process*. Larger firms may have more interesting work, a greater variety of work, more stability, the opportunity for \$1,000,000+ annual salaries at the partnership level, great support staff, and a whole variety of other positive factors.

**OBSERVATION:** *As a general rule, most attorneys crave stability and want to be high achievers and, as a result, have great fear about what others think of them and tend to be very risk-averse as well. Perhaps because we are a consumer- and brand-oriented culture, however, many attorneys are*

*attracted by name brands at the expense of logical decision making.*

The drive toward large national law firms is something that is quite understandable once you realize that attorneys are conditioned during college, law school, and after law school that more prestige is better-if not essential-to the advancement of their legal careers. Again and again, we see attorneys choose more prestigious firms over less prestigious firms. Attorneys often do this after they have told us at the commencement of a search that they are seeking a smaller or more congenial firm and not a major national law firm. Accordingly, we generally put a great deal of effort into working with attorneys to make sure they are clear about their goals before we ever start working with them.

A great proportion of all future attorneys have already made the decision to attend law school by their third year of college. They knew, even as freshman, that getting into a top law school requires serious academic achievement and a respectable body of extracurricular experience. Many of these future attorneys may have even seen getting into a top college as something that was important for them to get into a top law school one day.

For the most part, future attorneys are people who have always been pushed, both externally and internally, to succeed at a high level, and all future attorneys take their decision to go to law school very seriously. Just like they did when they were getting ready to attend college, future attorneys are often reading books about different law schools and studying these law schools and trying to see if they will have the ability to get into various law schools based upon their academic performance. Future attorneys must also take the Law School Admissions Test. Depending on the future attorney's grades and LSAT score, most will have a very good idea of the type of law school they can get into by December or January of their final year of college. Very few future attorneys who do not excel on the LSAT and academically will get into a top



## Articles from the CEO

law school. The quality of the college the student attends will also have a direct bearing on the type of law school he/she ultimately gains admission to.

To make a long story short, by the end of the future attorney's fourth year of college, most will generally have a list of law schools that have accepted them. *With very rare exceptions, these future attorneys will generally choose to attend the law school that has the best ranking or reputation.* While attorneys may take a few years off before attending law school or go to a law school where they can work while attending law school, for the most part, future attorneys are motivated by going to the best law schools. Through both career counselors and other students, future attorneys are told again and again that their ability to get a position out of law school will be a function of the quality of the law school they attend. Very few future attorneys are not aware of this when they matriculate at any American law school.

Hence, *the first decision an attorney makes in becoming an attorney is generally motivated by a prestige factor. Early on, future attorneys make decisions that will influence their futures based more on the perceived quality of the institution than any other identifiable factor.* The better the school the future attorney chooses, the more job opportunities he/she will be likely to have in the future.

When a future attorney gets into law school, the competition begins once again. With limited exceptions, the future attorneys who get the best grades and the most honors in law school will get the best jobs following their second summer and when they graduate. As future attorneys see their classmates with the best grades and qualifications going to the biggest and best firms in the largest cities, they quickly come to believe that it is best to go to the biggest and best firms. It is no different from when they were in college and saw the best students getting into the best law schools.

When an attorney is switching jobs, or looking at possible alternatives, the same light generally switches on in his/her head again. *Bigger and more prestigious is better.* Accordingly, for the most part, the better the firm is in the future attorney's mind, the more likely the attorney will be to choose that firm. Future attorneys see the salaries at larger law firms, and these salaries (at the partnership and associate levels) can be staggering. Future attorneys also come to believe that joining the largest firms will provide them the most opportunities later on if they choose to exit the practice of law. Future attorneys also want to practice with attorneys who are like themselves and believe that many of the attorneys at the largest and most prestigious firms are the most intelligent and accomplished.

**OBSERVATION:** *Attorneys who do not get into prestigious firms following graduation will often continue trying-again and again-to get into the prestigious firms after they begin practicing because they have been so thoroughly conditioned to believe that bigger and more prestigious is better. It is, incidentally, for this same reason that larger and more prestigious firms often do not have any problem attracting talent at most points in time.*

**OBSERVATION:** *One thing we see quite often is a law student from a top national law school summering his/her first year or splitting a summer in his/her second year with a smaller, regional firm. Probably 9 times out of 10, if this student did well in law school, he/she will end up going to a larger firm in a big city that is more prestigious. Why this happens should be self-explanatory if you understand that most attorneys are motivated by the prestige factor.*

While we believe prestige is the most important aspect that attorneys consider when switching jobs, it should be emphasized that how a smaller firm handles the issues below will generally influence whether or not attorneys will join a firm with a prestige level they *initially* perceive to be below that of other firms.

### **RULE 2: THE SENSE OF IMPORTANCE ATTORNEYS ATTACH TO WORKING IN A GIVEN FIRM WILL STRONGLY INFLUENCE WHETHER THEY ACCEPT EMPLOYMENT THERE**

While the perception for many attorneys is that a name-brand law firm is "safe"-and conversely that a lesser-known firm is "not safe"-smaller, regional firms can certainly beat larger law firms in the competition for talent if they understand how attorneys think and the advantages they offer over large law firms. The sense of importance an attorney attaches to working in a given firm is often paramount in his/her decision to join one firm over another.

**OBSERVATION:** *The sense of importance attorneys attach to a given job is one reason why attorneys may turn down higher-paying positions to go to work for federal judges or join the United States Attorneys' Office. It is also one reason many smaller and less prestigious firms have little problem getting a steady stream of highly qualified attorneys to join their firms. In fact, many of the best attorneys we encounter (such as former United States Supreme Court Clerks, Rhodes Scholars, law school valedictorians, and others) are not always interested in working for the largest and most powerful (i.e., prestigious) law firms. Instead, they are attracted to working in positions they perceive to be the most important. It is for this reason that many well-known criminal and civil rights*



## Articles from the CEO

*firms, for example, are able to attract many of these types of attorneys—despite the facts that they do not pay as much as larger firms, they do not have great support staffs, and many outside the legal profession may not have heard of them.*

Attorneys are attracted by firms where they can feel important and inspired. It should go without saying that not every firm can engender this sense of importance to the degree many smaller firms can. Accordingly, this is one reason smaller firms often win star talent over their larger-firm counterparts, and vice versa.

In watching certain smaller firms grow, we are amazed by how good some of them have become in recruiting high-level attorneys with some of the most outstanding qualifications imaginable. Firms that are the best at recruiting are able to interest attorneys in their firms and get attorneys to work there by tapping into the needs that attorneys have for both prestige and a sense of importance. How masterfully this is done will have a lot to do with the firms' success in getting young attorneys to come to work for them.

John Grisham's *The Firm*. After we had gone through a few drafts of this article, we realized that what we were saying in many respects paralleled what was going on in the recruiting that took place in John Grisham's book *The Firm*. Because this example is concrete, we decided to lead off this portion of the article with a short discussion of the book.

Mitch McDeere, the appealing hero in *The Firm*, is a poor kid whose only assets are a first-class mind, a Harvard law degree, and a beautiful, loving wife. More than probably hundreds of firms he could have chosen from in the United States, Mitch chose Bendini, Lambert & Locke ("Bendini Lambert") in Memphis, Tennessee—an area of the United States where he had absolutely zero ties. Bendini Lambert offered Mitch more than any other firm: a new BMW; a new house; and a large salary, with many incentives and bonuses.

They also offered Mitch a community and way of life and the sense that he was joining a very important firm.

In our belief, the reason Mitch chose Bendini Lambert is the same reason countless attorneys are persuaded to join less prestigious and smaller firms over larger and more prestigious firms on a consistent basis. We believe an attorney like Mitch would have chosen Bendini Lambert because of its perceived prestige level and the sense of importance he believed he would get from working in the firm.

In the movie and the book, Mitch knows very little about Bendini Lambert before he even goes on his first interview. In

fact, he only comes to take Bendini Lambert seriously when he realizes he will be part of something that is very difficult to get into and that has a lot of other top attorneys in it. The firm does an extremely good job of impressing upon Mitch (1) the potential for success he will have there, (2) that it makes very few offers a year, and (3) that he has the opportunity to be part of something great. Mitch is also made to feel that he will be part of an exclusive and highly qualified group of attorneys.

Bendini Lambert's ability to make Mitch feel he is joining something important is why we believe Mitch chooses the firm. As we review examples of firms that have managed to convince our top candidates to work for them over smaller firms, we are struck again and again by the similarity between what these firms do and what happened with Mitch at Bendini Lambert.

**OBSERVATION:** *It should go without saying that large, prestigious law firms can make associates feel important by joining them. In fact, we believe this is why associates join most large law firms and do so regardless of how they actually feel about the firms. However, for the most part, larger firms often become complacent and feel they do not need to make associates feel important and can rest on their laurels. This is one reason why smaller firms can become good competitors for the same talent and steal star talent away from larger firms.*

One of the most brilliant hiring partners we know from a recruiting standpoint is extremely good at making associates feel they are joining something important. In fact, this hiring partner's ability to do this may be one reason this firm has increased from fewer than 5 attorneys 15 years ago to more than 100 today. When this partner sees a resume from a candidate he likes, he immediately calls the candidate and says something to the effect that he gets hundreds of resumes a week and generally just throws them in the trash. He then tells the young recruit that his/her resume is one of only a few resumes he has seen in a long time that caught his attention. He tells the young charge that his firm is the best firm of its kind in the United States. He tells the recruit the firm has top graduates of Harvard, Yale, Stanford, and other schools. Incredibly, the young recruit may have never heard of the firm or know very little about it whatsoever—just like Mitch in *The Firm*. However, the attorney quickly realizes that there would be a real benefit to interviewing in this type of firm.

When the attorney arrives in the firm, he/she is paraded in front of a number of highly qualified attorneys who invariably have far better qualifications than the young recruit. He/She is told that the firm is doing extremely important work. He/



## Articles from the CEO

She is told the firm is working on the most important deals. He/She is told the partners make more money than at other firms. The firm showers him/her with press releases and promotional materials. He/She is told the firm is a better place to work than other firms, and on and on. The firm does such an outstanding job with all of this that the young recruits cannot help but be impressed. *Very few candidates who are interviewed by this firm turn down offers when they get them.*

**OBSERVATION:** *Many attorneys practicing in larger firms talk consistently about how they want to join a boutique firm or something of the sort. Many attorneys may have different perceptions about what is important and have certain perceptions about what working in a smaller firm means. For some attorneys, working in a smaller firm may be perceived as working fewer hours, having a more collegial atmosphere, practicing in a more intimate setting, working with smaller clients, or having more partnership prospects. Each of these things are, however, factors that attorneys feel are important when they decide what they want to do with their lives. They are not necessarily drawn that are likely to attract the most stellar candidates all the time, unless they come with more "punch." All of these ideals for attorneys are useful recruiting tactics, but should be distinguished from what all firms can do to make associates feel they are part of something important.*

Most firms that are able to attract truly star talent do so by identifying what makes an attorney feel important. They make candidates want to work for them. Communicating the firm's strengths in a way that is memorable and distinguishes a firm—even if it is in Memphis—can enable firms to attract star talent and make that talent choose the firm over its competitors. What is most important is that the firm taps into the attorney's need to feel like he/she is part of something important.

### **RULE 3: THE ATTORNEY'S PERCEPTION HE/SHE WILL BE WELCOMED IN THE FIRM WILL HAVE A STRONG INFLUENCE ON HIS/HER CHOICE TO JOIN ONE FIRM OVER ANOTHER**

This should be self-evident. Nevertheless, far too many firms lose star candidates because they cannot do this. Humans are social animals, and attorneys are no exception. Most attorneys have a very good understanding that they are likely to succeed in certain types of firms and not others depending on the types of attorneys they are working with.

What is important here is the type of chemistry the attorney feels he/she has with other attorneys in your firm. Keep in mind that attorneys want to work with people who are similar to them in a lot of respects. If an attorney feels he/she is

joining an environment that does not appreciate people like him/her, then he/she is going to have a very difficult time joining a particular firm. Because there is quite a bit that goes into this calculus, it is useful to investigate this topic from two perspectives: (1) the social perspective and (2) the cultural perspective.

**The Social Perspective.** Undoubtedly, one of the best firms in a market we serve should have no problem whatsoever attracting star attorneys. This firm has a client "A-list" that would impress anyone. Attorneys who join this firm should also be assured of the possibility of working on really important cases and transactions, working with an impressive group of attorneys, and making a lot of money. We could sell this firm all day to an attorney who has never set foot in the firm. This firm has the prestige level and certainly could make all the attorneys it interviews feel like they are going to be doing something important if they were to join this firm. Nevertheless, this firm consistently fails on the social perspective, and an attorney who walks in the door of this firm for an interview rarely chooses to return.

The firm is often confrontational with its candidates in interviews. The associates in the firm are all noticeably tense. The firm seems to have little interest in the candidates it interviews and does not really seem all that committed to anyone who works there. The attorneys who work in this firm are all "cogs in the wheel," and candidates are made to feel this way in interviews. Partners are extremely rude to secretaries (as are all the attorneys in the firm), and the secretaries all act almost militant for fear of doing anything whatsoever wrong. The associate/partner interaction is the same. The associates rarely interact with each other outside of work because the firm just has something in the air that makes associates confrontational with each other.

Firms like this are just not welcoming places to work, and we cannot understand why a firm would consistently choose to remain like this. While firms like this may be tremendously powerful and have very healthy partnership profits, their odds of long-term success are severely diminished by their inability to attract and retain star talent because of their social issues. Firms that approach their recruiting efforts by doing any of the things wrong that this example firm does are going to have a difficult time making associates feel welcome there.

**OBSERVATION:** *None of this is to say that certain firms will not be able to consistently attract certain types of attorneys based on the social makeup of the firm. For example, there are certain firms in certain markets we serve that seem to consistently attract the same types of attorneys—whether they*



## Articles from the CEO

*are particularly outgoing, attractive, bookish, or otherwise. Attorneys in firms with well-defined cultures typically share many traits that go beyond their academics. There is nothing wrong with this whatsoever, and in some respects, this is the strength of the given firm. What is important for firms to realize is that firms with well-defined cultures may not always be able to attract all types of attorneys. It is often these instances when an attorney may truly not be a "good fit" for a given law firm.*

**The Cultural Perspective.** Firms that are made up of a lot of people who are a candidate's same race, religion, sex, or sexual orientation are often far better able to attract other attorneys who share similar characteristics. It is important for every firm to emphasize its diversity in interviews to make sure candidates will feel welcome, regardless of who they are. Attorneys want to feel welcome wherever they go. Firms that can truthfully state "We're a meritocracy" are firms that are likely to have the most success in recruiting different types of people. These firms are also the best places for attorneys to work, regardless of their backgrounds. It is extremely important that firms show their candidates that they will be welcome, whatever diversity the candidate represents. The best and brightest candidates are generally attracted to firms that do this well. In many respects, this is not surprising, as this country is a meritocracy.

**OBSERVATION:** *Firms that are true meritocracies typically are able to attract attorneys of all sorts of different backgrounds. The perception of a good portion of the people in the United States is that law firms have traditionally been white-male bastions. To some extent, that may be true; however, firms that wish to draw the best and brightest certainly need to find ways to attract star talent by showing people who do not fulfill the traditional stereotypes that there is room for them. In some respects, it seems ridiculous that we are discussing this in this day and age because there does appear to be a tremendous amount of diversity in a great many law firms today. However, to the extent a variety of groups of people can be welcomed into your firm, all the better.*

### **RULE 4: THE TYPE OF WORK AN ATTORNEY IS OFFERED WILL HAVE A STRONG INFLUENCE ON HIS/HER DECISION TO JOIN A GIVEN FIRM**

Candidates consistently choose firms based upon the type of work they believe they will be getting. One of the most significant reasons we hear from attorneys over and over again is they want to leave their firms because they are not getting the type of work that they want. Whether the attorney is a litigator, corporate attorney, or patent prosecutor, they all

seem to have similar concerns with the type of work they are doing.

It is extremely important for firms to identify what types of work a given attorney wants to do in the interview stage and see if there is room for the firm to offer that attorney the type of work he/she is seeking to do. In the law firm environment, there is an endless variety of work that an attorney may be seeking to do, and firms that take the time to understand what type of work a candidate is seeking to do will often be successful in recruiting an attorney.

In a certain respect, when a firm communicates with recruiters and potential candidates, it should be ensuring at all times that it is communicating the type of work the candidate will be doing with a great deal of precision. If a firm believes that it has opportunities for young litigators to go to court, it should say so. If a firm believes it will offer a patent prosecutor the opportunity to do a mix of patent prosecution and softer IP, it should say so. If a firm believes that it will offer an attorney the opportunity to do more private than public company work, it should say so. Honesty and openness are essential at the beginning.

Firms need to take a lot of time communicating the type of work the attorney will be doing if he/she joins the firm. Because this is within the control of firms, they should never neglect to talk about this with as much specificity as possible. Attorneys very, very often choose a firm based on what the firm tells them about the work they will be doing.

### **RULE 5: ATTORNEYS WILL OFTEN CHOOSE TO JOIN A FIRM BASED UPON THEIR PERCEIVED ADVANCEMENT POTENTIAL**

Virtually every first-year attorney at every prestigious law firm in the United States says something to his/her peers (and us when we speak with them) to the effect of "I do not want to be a partner. I'm just doing this for a couple of years." This, however, is at odds with what ends up happening with many of these attorneys' careers. The majority of these attorneys will become partners at some point in their careers, whether it be at a large or small firm.

Why, then, do attorneys pretend like they do not care about advancement potential? One reason, we believe, is that attorneys are afraid of failure. The prospect of making partner at most large national law firms is exceedingly dim. Accordingly, associates will often tell fellow associates that they do not want to make partner. It is important to keep in mind that most attorneys are highly motivated individuals and do want to succeed. Succeeding is something most talented



## Articles from the CEO

attorneys have been doing since they were in high school. Attorneys want to succeed at all costs, and it is part of their nature.

**OBSERVATION:** *When an attorney joins his/her first firm out of law school, he/she rarely has any idea about what it takes to succeed in a law firm. He/She knows little about firm dynamics and the necessity of an attorney's getting business later on in his/her career. He/She knows little about the difference between attorneys who are classified as counsel, salaried partners, equity partners, service partners, or rainmakers, for example. To the extent a firm offers advancement potential, it is important that this be communicated to attorneys to the greatest extent possible. The more senior an attorney gets, the more he/she is going to be concerned about his/her advancement potential.*

Smaller firms are often able to do a far better job communicating advancement potential than larger firms and often get attorneys to join them who would otherwise join larger firms. Even with relatively junior recruits, a firm's ability to communicate advancement potential will help set it apart from its competitors. While advancement can certainly mean many different things at many different firms, the ability of a firm (and willingness of a firm) to be up front about positive potential for advancement can help set it apart from its competitors.

**RULE 6: UNLESS THE SALARY IS DRASTICALLY LOWER, MONEY IS A LESS IMPORTANT CONSIDERATION FOR ATTORNEYS THAN MOST FIRMS SEEM TO BELIEVE**

To us, it seems strange that money comes at the end of this calculus. Certainly, money is an important consideration to many attorneys because they need to make a living, and

dramatic differences in money can certainly sway a given attorney one way or another. Nevertheless, for attorneys whom you would like to see as long-term employees of your firm, money is often secondary to other considerations. In their first jobs, especially the first year or two out of law school, attorneys are generally far more motivated by money than other concerns.

With the recent salary increases in the year 2000 and the bonuses many attorneys received in 2001, it would certainly seem like money is a major motivator of many attorneys. In a sense, many of these salary increases were likely motivated by the fact that hiring partners and firm management viewed money as a tool for retention and attracting top talent. While money can be a draw for new attorneys or attorneys coming from firms where there is gross below-market compensation, money cannot always attract attorneys.

The money factor ignores the fact that many attorneys are motivated by psychological and other factors that are often far more important than money. Perhaps focusing on things like an attorney's need to feel important, an attorney's need for certain types of work, and an attorney's need to feel welcome in a socio-cultural perspective would be better than simply increasing salaries every six months. While we can certainly appreciate the need to remain competitive in the marketplace, firms should understand that other factors are far more important to attorneys than a paycheck.

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