



How to use a legal search firm

By A. Harrison Barnes, Esq.

Tailoring Legal Search to Meet Your Firm's Needs

All things considered, legal recruiting is a fairly young industry. Although law firms are increasingly sophisticated in their use of the legal-recruiting industry, BCG believes there is substantial room for improvement in the way the legal-recruiting industry delivers its services and in the way law firms avail themselves of legal-recruiting professionals.

Not surprisingly, we believe that using an ethical and professional recruiting company can play a significant role in your firm's development and success. However, we are not content to simply accept the industry standard as the only methodology that can be mutually beneficial. This article will outline both the various functions of attorney-search firms and how those functions can contribute to a productive hiring initiative.

Associate Recruiting

Today more than ever before, firms are faced with increasingly high attrition rates among associates. Whereas the average attorney practicing 20 years ago may have worked for one or two legal employers, we frequently receive inquiries from attorneys who have held positions with four or more employers. In recent years, with unprecedented associate salaries and the dot-com craze, associates are changing jobs in record numbers. Firms must now fight the attrition battle on two fronts; they must compete for qualified attorneys as well as retain those attorneys over time. Recruiting quality lawyers who are culturally, academically, and professionally well matched for your firm is now more important than it has ever been.

Most firms have used the help of legal recruiters to fill their open positions with some success. However, the utility of employing recruiters to fill your firm's lateral-hiring needs must always be balanced with the labor-intensive process of reviewing submissions from legal recruiters that may not always be targeted 1) to fill open positions or 2) to match the academic credentials or work experience required by a particular firm. We have spoken to law firm recruiters who tell us they have reviewed candidates from more than 150 different search firms. According to these law firm recruiters, many of these "search firms" were actually individuals who likely were not even active in the industry anymore. In contrast, using recruiters who respect and understand your recruiting needs and who present you with quality candidates in a comprehensive and professional manner will provide you with access to great candidates at a minimal investment of time and resources.

How, then, do you use a recruiter to most effectively fill your particular needs while minimizing the administrative burden? It depends, in part, on the type of search. We will begin by defining some general terms and coming to some conclusions with respect to possible types of searches.

Search v. Selection: These terms of art define the two basic ways in which a particular vacancy can be filled at the associate level. Search, which has historically been the premier method of securing full-time attorneys, is the method whereby a particular firm contacts several headhunters, who then go about finding attorneys interested in that opportunity. Historically, legal recruiters made cold calls on behalf of law firms to attract talented attorneys and interest them in a particular position. This was (and for many legal recruiters still is) the only method used by some recruiters. Selection refers to legal recruiting, whereby a firm (either through a recruiter or by its own efforts) advertises a particular opening in an effort to solicit resumes. Those resumes are then reviewed by either the recruiter or the law firm itself to determine whether the applicant is well suited for the position.

The benefit to search is that, in general, a larger percentage of candidates who are submitted according to the search methodology conform to the specifications sought by a particular firm. There is less of a likelihood that a recruiter will submit a candidate outside of the years of experience sought by a particular firm because that recruiter will most likely begin contacting only those attorneys graduating within the years designated by the firm. The disadvantage to this type of search, however, is that candidates contacted for these positions may not be looking to change firms at all. Therefore, a candidate may be considerably less motivated to either apply for the position or eventually take the position. We have found that candidates contacted on a search basis are often overly concerned about salary or the perceived prestige of a firm and are not responsive to our description of the firm's culture or the long-term opportunities inherent in the position. Although we have been very successful in filling positions through cold calling suitable candidates, we can say that as a general rule, candidates that are approached for a specific job are generally less enthusiastic about potential opportunities.



Articles from the CEO

These issues notwithstanding, search can be a highly productive method, particularly when there are sensitive confidentiality issues that need to be preserved during the search. The initial communication between law firms and recruiters here is highly important. However, there are no guarantees that the search methodology in and of itself will be effective. Some attorneys tell us that they simply do not accept calls about potential opportunities. Instead, many only consider job opportunities when they have made the decision to leave their current position and prefer to evaluate all of their options at that time.

Likewise, selection has inherent strengths and weaknesses. For instance, by advertising an open position, a firm has the opportunity to reach a wider range of attorneys. Advertising directly, such as on a firm website, allows the firm to include as much detail as possible and control the type and accuracy of the information about the job. When jobs are advertised through a recruiter on a firm's behalf, the recruiter bears the expense of advertising the position instead of the firm. Moreover, the attorneys who are responding to a particular opening are active job seekers and are necessarily more engaged and invested in the process of finding a job. This increases the likelihood that a particular attorney will bring enthusiasm and commitment to his/her job search and eventually to his/her new job.

The negative aspect of selection is that when a firm advertises the position through a website or its own direct advertisement, there is little that firm can do to control the quality of the candidates who apply for that job. How many times have you had to field phone calls or respond to letters and email from candidates whose credentials are not a match? We have found that no matter how strongly a firm insists that specific credentials be met in applying for a job, there are still a tremendous number of applicants who do not meet the necessarily qualifications for the position. The red tape that inherently accompanies widespread advertising can be solved in large part by effective communication with attorney-search firms regarding the exact requirements needed for a particular attorney position.

This negative can be substantially diminished or altogether eliminated by working with recruiting firms that advertise extensively. BCG has more advertising coverage and web traffic than any other legal-recruiting firm we know of. By advertising through a reputable search company, a firm can shift the administrative burden to the search firm to weed out those candidates who do not meet predetermined requirements. In fact, this work can be almost completely eliminated with exclusive or semi-exclusive use of a single recruiting company or a few select groups.

The other negative aspect of advertising a position on a law firm's website is that an attorney would actually have to go to the firm's website to find out that an opening exists. Many lawyers will not take the time to search out the Internet address for each and every firm in their areas of the country. Moreover, to the extent that that the Internet site invites email applications, we find that it is much more likely that an unqualified candidate will submit a resume via email than take the time to write a formal cover letter and application.

None of this is meant to discourage a firm from utilizing recruiting efforts other than the use of recruiting firms to fill open positions. In fact, we know of numerous internal referrals and direct applications to firms that resulted in successful lateral moves. However, because of the administrative costs associated with internal lateral recruiting, we believe that a combination of these efforts, tailored to meet the needs of the firm as well as to minimize the administrative effort in finding good talent, is the appropriate solution.

On the associate-recruiting side, we recommend that the first step be a careful consideration of the firm's goals. As a generality, those goals can be defined as follows:

1. **Filling a specific position or opening.**

Here, we recommend that a firm use reputable recruiters to employ a combination of search and selection methods. In addition, a firm may choose to advertise the position itself, but only after careful consideration of the cost involved in processing the application. Essentially, the law firm needs to determine how much time it is willing to spend reviewing resumes and sending out rejection letters. This may vary depending on the year. For instance, a search that takes place during the summer or fall recruiting season is most likely better handled exclusively through the use of legal recruiters. However, some recruiting departments may have the resources to conduct their own searches while simultaneously working with outside firms.

When the opening is highly confidential, it may behoove a firm to limit the number of legal recruiters who know about that particular position. Because BCG creates advertisements for jobs without identifying the firm and only provides information to those candidates who express a real interest, there is an added layer of confidentiality.

2. **General expansion and growth, whether by practice area or firm wide.**



Articles from the CEO

This type of search is best handled primarily through the selection process after identifying legal recruiters who understand your firm's culture and the direction in which you'd like to take the firm. Search, in this context, will generally be less effective because it is difficult to convince people to pursue a non-specific opening. Aggressive advertising, both through a recruiter as well as through the firm, will insure a good volume of candidates from which the recruiter and/or the law firm's hiring committee can choose. Although growth in this context can be difficult, communication is key. A legal recruiter who understands your goals and your firm's culture is better equipped to contribute to the success of your firm. Once the parameters of experience and academic credentials are set, it is helpful to understand what type of people generally fare better with your organization.

3. **To hold any new hiring except in the case of exceptional candidates.** There are many firms who look to BCG to identify exceptional candidates that have an interest in or experience relevant to their law firms. We have found that some of the most successful matches have been placements made into a department that wasn't actually looking. For example, one of BCG's recruiters recently spent several hours researching a particular firm. Thereafter, despite the fact that the firm had no open positions, the firm's recruiting coordinator spent several more hours talking to the recruiter about the firm's culture, its practice, and the qualities the firm looks for in associates. When BCG began working with an exceptional attorney who was a great match for this firm, our recruiter and the law firm had developed such a relationship that the introduction of this lawyer to the firm was mutually beneficial, and he is an associate at that firm today! This type of service is one BCG takes seriously and is careful not to abuse by inundating recruiting coordinators with resumes. This type of search is necessarily passive and may never result in a match for the firm. However, being receptive to creating this relationship, even when your firm is not looking, can have long-term benefits with minimal commitment on the part of the firm.
4. **Directing new revenue streams or practice areas into the firm.** This type of search is generally going to happen at the partnership level. BCG believes that partnership recruiting is significantly different from that at the associate level, although many of the same principles apply.

Partnership Recruiting

There are several keys to attracting partner-level talent. As with associate recruiting, the first step is to decide the methodology to take with respect to the hiring initiative. In order to do that, a firm must 1) identify the parameters of the search and communicate those parameters to the search professional and 2) decide the best recruiting methodology to use for the search. For reasons discussed in more detail below, we believe that partnership recruiting should always be done through a recruiter.

Search Parameters: The parameters of a partner-level search are obviously quite different from those of an associate search. Although practice area is relevant for both types of positions, the years of relevant experience tends not to be the principal inquiry for partners. Instead, a potential new partner or group must fit with the firm's ideology, must have a practice area that is consistent with the overall practice, and must make economic sense. In order to determine whether a partner candidate is a good match, the following information must be gathered:

1. Client Base
 - a. Annual Business Origination
 - b. Identification of Clientele
 - c. Opportunities for Cross-Selling to Client Base
 - d. Identification of Conflicts
2. Productivity
 - a. Annual Billables
 - b. Billing Rates
3. Whether Associates Will Move with the Partner or Group
4. Law Firm Management Experience/Interest

The more prepared a firm is to evaluate its requirements with respect to the foregoing issues, the more streamlined and efficient the process can be. It is highly unproductive for the parties to talk about a partnership placement or the acquisition of a practice area, only to find out at the end of the process that the firm's billing rates are too high for the potential partner's clientele, which would diminish the amount of portable business.

Search Methodology: Once those issues and expectations are properly defined, the firm should choose what recruiting methodology to use to attract that partner. The basic search methodology is considerably more difficult in the context of a partner search because appropriate candidates may not be as easily defined. However, in our experience, a firm that is able to provide a legal-recruiting firm with specifics on a partnership search (sometimes including the names of several partners in the community who would be attractive



Articles from the CEO

prospects) may give the search firm some direction as to what types of candidates it is looking for.

Even though it may sound counterintuitive, a search firm is still vitally important to the recruiting process even when a firm knows the lawyers it wants to try to bring on board. Why? Because partnership searches require a great deal of confidentiality. Working with a recruiter adds discretion to the search. For instance, your firm might be interested in talking to a partner down the street who has a book of business that would complement your firm's practice. However, your firm does not want to advertise the fact that it lacks business and/or talent in a particular practice area. Therefore, a legal recruiter is able to identify whether this partner would be interested in making a move and under what circumstances he/she would make such a move. Even if an initial connection can't be made, it is often possible to determine the level of interest from a lawyer even before revealing the name of the firm conducting the search.

In sum, where narrow criteria are defined, search is a highly effective tool for partnership recruiting. This is especially true when the legal-search firm understands the economics and politics of a law firm and can identify issues and possible problems at the outset. However, we believe that a firm should also use a selection methodology concurrently.

Selection can also be a highly effective tool at the partnership level. We are surprised at the high level of quality we often get from partner-level candidates interested in learning about specific job opportunities. Again, discretion is important. Partner-level candidates are often quite concerned (understandably so) that the fact they are searching will become public. BCG is able to provide them with the assurances they need that their search will be professional and discreet. Therefore, we are able to provide information to both parties to determine the propriety of going forward before names and confidences are unnecessarily revealed.

Although we advocate a combined methodology that includes law firms' participating in the selection of their own candidates in order to attract high-quality *associates*, we believe that an effective partner search is best done exclusively through the use of a legal-recruiting professional. Firms simply do not contact lawyers at other firms to woo them away, and partners rarely contact a law firm directly to inquire about partnership opportunities. Because civility, confidentiality, and ethical concerns chill this kind of direct contact, legal-recruiting professionals become necessary. In addition to the issue-spotting and confidentiality concerns listed above, recruiters can also alleviate other problems inherent in partner placement. For instance, while associate salaries are often fairly well defined, compensation negotiation can be quite involved for partners. Because the ideal end result is "one happy family," there is a tremendous advantage to having the negotiations handled through an agent of sorts. That way, this new relationship can grow without controversy and confrontation.

At the end of the day, no two partner searches are alike. In order to effectively attract quality candidates and revenue streams, law firms should think through the parameters of the search requirements, *as well as the search itself*, in order to increase the opportunity for success.

Conclusions

At either the associate or partner level, there is a variety of methods that a firm can employ to efficiently attract good talent. We believe that focusing on the type of search methodology, as well as working with an excellent search firm, are the keys to successful growth. To that end, BCG Attorney Search is available to meet with you at your convenience to discuss what search strategy is right for your firm. We look forward to participating in your firm's success.

EmploymentCrossing is the largest collection of active jobs in the world.

We continuously monitor the hiring needs of more than 250,000 employers, including virtually every corporation and organization in the United States. We do not charge employers to post their jobs and we aggressively contact and investigate thousands of employers each day to learn of new positions. No one works harder than EmploymentCrossing.

Let EmploymentCrossing go to work for you.