



ATTORNEY SEARCH

by A. Harrison Barnes, Esq.

Introduction

Very few people within the legal profession understand exactly what a recruiter does. At its highest level, legal recruiting is an extremely sophisticated business. Nevertheless, legal recruiters must, as a general rule, make submissions to law firms. Making submissions to law firms, by necessity, requires that legal recruiters send out your resume. The issue then becomes: "What is the most effective way for a recruiter to make a submission?"

Many people believe that recruiters simply mass mail resumes out all day long. This is something that I once believed when I was a practicing attorney. In fact, before I started recruiting, I was under the impression that legal recruiting was one of the easiest sounding professions in the world. "You mean that someone simply mails out your resume and earns a huge commission?"

The fact is that legal recruiting is an extremely difficult business and most people that go into the business fail. Most recruiting firms are very small because the work is so highly specialized that most people cannot do it. For the most part, the business is not conducive to the sort of growth law firms experience. While there are hundreds of national law firms, there are only a few national legal recruiting firms. Moreover, the skills to be a good legal recruiter are fundamentally different than those required to be an attorney.

While just about anyone that graduates from college with a decent grade point average can get into an accredited law school, I would estimate that less than 1-2% of all practicing attorneys could ever become successful legal recruiters. There are several reasons for this that would take me pages to go into. The largest reason, though, is that recruiters do not operate under a defined set of rules. The legal market changes on a daily basis and good recruiters must manipulate that market to get the best results for their candidates and clients. While an attorney can do the same work for years, a recruiter's job is fundamentally different every few months. It takes a lot of intuition and skill to adapt to this and thrive in all markets.

In order to shed some light on the preconceived notion that all recruiters do is mass mail resumes, I have analyzed the process in some depth below. The tale told below is how a typical recruiter from our firm deals with candidates at each stage of the search process. While we are a large and successful national recruiting firm, the methods our recruiters follow are pretty similar to how most successful recruiters operate at some level.

Do Recruiters Just Mass Mail Resumes

Prior to Your Contacting a Legal Recruiting Firm

Prior to your contact with the legal recruiting firm, several things should be occurring. At BCG Attorney Search, all of our recruiters are full time and all of them report to an office each day. As part of reporting to an office, they are taking phone calls from attorneys all day long, speaking with law firms all day long, scheduling interviews and preparing candidates for interviews. There is more to the job than that, of course, but this comprises a major portion of their day.

In addition to doing this, recruiters spend a lot of their time reviewing new job openings that law firms have. Recruiters should also read the legal newspaper of the city they are in to get a sense of what is going on and interact with colleagues in other areas of the United States who are seeking to get their candidates interviews in another territory. On a weekly basis, these recruiters all have telephone conferences with me and discuss their market. I put together notes from these conversations and then distribute this to all other BCG Attorney Search recruiters once or twice a week. Most BCG Attorney Search recruiters go out on lunch meetings with law firms and candidates several times a month.

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As a group, a BCG Attorney Search recruiter generally writes several articles per year. They also attend several conferences. For example, we hold a one week conference once a year where all of our recruiters get together and discuss legal recruiting issues. In addition, all of our recruiters go to the National Association of Law Placement (NALP) Convention once a year. Here, they have the opportunity to meet with over 800 law firms. There are only a few legal recruiting firms in the United States that attend this event.

While none of this activity may seem related to sending out your resume, it definitely is. All of this activity allows our recruiters to get a substantial amount of feedback from the market. They know who is hiring, what is important to law firms and what is in demand in the market. The sort of knowledge recruiters gain is very unique to them and how they incorporate this knowledge into their recruiting style ultimately has a lot to do with whether or not they will succeed.

One thing that I also believe is important to the way our recruiters operate is to describe what they do not do. Our recruiters do not supervise our non-recruiting personnel. They do not do financial books. They do not place advertisements. They do not hire assistants. Our recruiters concentrate on legal recruiting and only legal recruiting. While this may seem insignificant, the fact that they only deal with legal recruiting issues makes a huge difference in the amount of time they can spend becoming experts on the legal market.

Your Initial Contact With a Legal Recruiting Firm: The Screening Stage

People make contact with legal recruiting firms in different ways. Some candidates sign up on a website or email their resume. Other candidates call in response to a job posting, are referred by someone they know, or are called directly by the recruiting firm. (We generally only contact candidates directly who are at law firms that do not use recruiters. These are generally not very good firms and pay below market rate salaries. If you are at a substantial law firm and are contacted by a legal recruiter-watch out, because that recruiter is probably desperate for candidates. If the recruiter is cold calling people at your firm, it will probably get back to the firm and the firm will not use that recruiter in the future. If they are doing this with your firm, they are probably doing it with other firms as well.)

Do Recruiters Just Mass Mail Resumes

In your initial contact with the legal recruiting firm, the legal recruiter will make the determination of whether or not he or she wants to work with you. Some legal recruiting firms are more selective than others. At BCG Attorney Search, for example, we work with less than 2% of the attorneys who contact us directly. If you are contacted directly by us, there is a strong likelihood (usually greater than 70%) that we have already determined you are a good fit for one of our clients. (More about that later.)

A recruiter will make the decision of whether they want to work with you fairly quickly, relying on a variety of factors to aid the decision.

First, the recruiter will have to decide whether or not he believes you are likely to benefit from his services. This determination will be made by weighing the strength of your current practice area, the strength of your current firm, the amount of portable business you have (if you are at the partner level), your demonstrated employment stability, your law school and your grades. Most candidates are eliminated at this stage.

It is important to highlight that not everyone can benefit from a legal recruiter's services. This is a careful calculus that requires a very definite pulse on the market at all times. Many attorneys are best served performing a job search on their own. Typically, it is the best firms that use recruiters. Moreover, even the best firms do not use recruiters for all positions. For example, between late 2001 and the middle of 2003, very few firms in the United States used recruiters to fill corporate openings. Even if you were in the top 5% of your class from a top five law school, it probably would not have been in your best interest to use a recruiter. When you are a solid candidate and the market is right, though, using a good recruiter is always in your best interest.

Second, the recruiter will make the determination of whether or not you are a good candidate for a move. The recruiter will do this by analyzing your stated reasons for wanting to switch firms. While a variety of reasons are acceptable, reasons that indicate you are likely to remain in your next firm for a substantial length of time are the best ones. The recruiter is also checking to see if you really want to practice law for the long term.

Third, the recruiter determine whether or not they feel comfortable with you. There are a variety of warning signs that candidates tell us from time to time that indicate that they are unlikely to be someone we want to work with. If the recruiter does not feel comfortable, they will not work with you.

Fourth, in some instances, the recruiter may be moved by your story, take a liking to you and your motivations and help you even if you do not "fit the mold." Most recruiters take on nontraditional candidates on an infrequent, but ongoing basis. These are where recruiters typically hone their best skills and do a lot of the work they feel proudest of. The issue with these sorts of candidates, however, is that they are often difficult because they are desperate and have high expectations that no recruiter could possibly meet. Paradoxically, the candidates that recruiters often take as charity can be the most difficult and harmful to a legal recruiter.

At BCG Attorney Search, few candidates make it through our screening stage. Far from being desperate for candidates, we often have too many of them. The result of this screening stage is that our recruiters may represent as few as 30-40 people per year. The attorneys who emerge from our screening process are typically poised for high level achievement. Almost all of them get interviews and the substantial

majority get offers through us.

What is most significant about the screening stage, though, is that law firms see only good attorneys through us-or attorneys with unusually motivating stories. We believe our candidates are looked at more carefully because of this, and we can get them more interviews as a result.

As an aside, I want to mention that there are some very good recruiters out there. There are even a few good recruiters that may do work on behalf of two or three law firms. These recruiters function on being able to make the best matches possible and typically know their clients very well. They do a lot of screening before ever calling you and also present very few candidates to their clients. These recruiters are also very good at what they do. We have a lot of respect for good solo recruiters.

Once Accepted as a Candidate, the Recruiter Will Decide What Firms to Present You to

Following a successful screening process, the recruiter will engage you in a more in-depth dialogue. The recruiter will want to know more about your resume and will likely probe into your outside interests and career aspirations, hoping to see what it is you are interested in getting out of your next employer.

In some markets, we find that attorneys do not always want to go into a lot of depth about this sort of thing. One market is New York. In other markets (e.g. Los Angeles), these discussions can often go on for hours. The reason the recruiter wants to get all of this information is because they want to be able to humanize you to the employer. A good recruiter can do this far more effectively than you ever could. The recruiter can present sides of you that you would be uncomfortable presenting on your own, and can even brag for you (which would not look good if you did it on your own). More importantly, a recruiter can highlight aspects of your background that a law firm is looking for specifically and might not come out otherwise.

Few attorneys realize how important this aspect of a legal recruiter's job is. Because a good legal recruiter is dealing with numerous law firms each day and is working with several attorneys with those law firms on an ongoing basis, a recruiter knows what "sells" to a law firm and what does not. The ability of a good legal recruiter to "package" you is one of the most important aspects of his work.

Packaging an attorney means providing the law firm with the right reasons for the attorney's decision to change jobs. It also means telling the law firm aspects of your background they want to hear and those they do not. Most attorneys do not know this sort of information, though they think they do. In fact, it is far, far more common for our candidates to get interviews when we are representing them than it would be for them to get interviews if they were simply sending themselves out. I have 100% confidence in this (but I sure did not when I was practicing).

Once the recruiter has spoken with the attorney in some depth, the two will agree on an approach for the attorney's job search. This approach is intuitive and will be customized for the particular attorney. A good recruiter knows what works and the approach agreed upon will be the one that is likely to produce the gain the attorney is seeking. The approach used for an attorney who is desperate for a job will be different than the approach of an attorney who is only looking for one particular type of position.

The recruiter and the attorney will then generally go over a list of available positions in the market

place. Most BCG Attorney Search recruiters identify their role as being quite similar to practicing law. They will tell their candidates every opening in the market so that the attorneys can make educated decisions about the firms they might want to go to. The recruiter will also occasionally suggest firms that do not have openings (which the attorney will be made aware of), but which are willing to consider a similar sort of attorney on an ongoing basis. For example, some firms in California always want to see former Ninth Circuit law clerks from top ten law schools, whether or not they have litigation openings.

The point of this exercise is that that recruiter is allowing the candidate to decide what firms they want to apply to. The recruiter will describe the strengths and weaknesses of each law firm and the candidate will ultimately decide what law firms they want to be submitted to. Whether it is to one firm or to ten firms, it is the candidate's choice.

There are a couple of forces at work here which bear mentioning. First, because legal recruiting is for the most part a contingency-based business, the legal recruiter will only get paid if you take an offer from them. In this respect, then, it might appear that it is in the legal recruiter's best interest to send you to the most firms possible. Second, if you get an offer from the legal recruiter and do not take it, the recruiter will be in serious trouble. If a recruiter has several candidates reject offers from one law firm too often, the law firm will be under the impression that interviewing candidates through that recruiter is a waste of the firm's time.

Accordingly, there is a strong competing interest here. In most markets, law firms know each substantive recruiter pretty well. The recruiter's reputation is paramount with those firms and if a recruiter is not of the "fly-by-night" variety, he will be very cognizant of his reputation. Therefore, a good recruiter will likely want you to choose the law firms you are interested in carefully.

If a recruiter recommends very few firms to you, there are usually a couple of potential forces at work. First, the recruiter may believe that you are extremely placeable and does not want to waste your time or the law firms' time when you are a clear fit (based on your stated interests) for a select few firms. Second, you may have skills that mean you are only suited for one or two openings. Certain practice areas such as ERISA, for example, are never conducive to sending you to many firms.

If the recruiter is sending you to many firms, they are likely doing this for a reason, also. In some practice areas, such as litigation, intellectual property and corporate, firms are often mercurial and hard to read in terms of who they will interview and hire. Despite the recruiters' best knowledge of the firm, they are not the ultimate ones making the decision of whom to bring in-the firm always is. In this case, recommending more than a few firms is appropriate if the market is uncertain, the firms recommended use often random-seeming hiring criteria (I knew someone in college that only got admitted to one top 20 law school-Yale) and if you express a firm desire to your recruiter of wanting to talk to many firms. In this situation, the recruiter is making the calculation that you are likely to not get interviews with all of these firms and following the path that he believes will be best for your job search.

A recruiter may also recommend many firms in other circumstances as well. One circumstance (and one recruiters often regret), is when you are a very strong candidate that has a job search with some urgency to it. It is a well-known fact that most attorneys do better coming through good recruiting firms if they are attempting to move to another top law firm. Accordingly, many attorneys who are being downsized are very desperate for a recruiting firm's services. If we determine a person is losing her job through no fault of her own, and is a good attorney, we may represent a laid off attorney. The issue here is that the candidate is often desperate. In these sorts of circumstances, in order to do

our best to “save” the candidate’s legal career (at least her high-end legal career) our recruiters may explain to the candidate that the odds are increased by approaching more top end firms.

It is this latter sort of attorney that is also the sort of candidate that is most likely to be the most problematical for the legal recruiter. While this is certainly not true across the board, it is this sort of candidate that often gives recruiters bad reputations. If the attorney is not successful getting a position with a large law firm, the recruiter is blamed. When the candidate starts applying on his or her own to small, generally less prestigious law firms that do not use recruiters and gets interviews, the candidate thinks he or she had issues because of the recruiter with the more prestigious law firms. This is not the case. It is always going to be harder to get into a top law firm than a less prestigious one.

The point is that the attorney always has control over the number of firms he or she is submitted to. The recruiter is an advisor and counselor and not the ultimate arbiter of the firms the attorney applies to. When a recruiter is recommending firms, he or she is doing so in an educated manner that comes from experience and the feedback the market gives on a daily basis. This is something far too few attorneys understand.

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I would be remiss if I did not mention that there do exist recruiters who will “paper” your resume all over town. I have heard scores of stories about this and have every reason to believe they are true. These sorts of recruiting firms never last long, though, and make very few placements. You should also be able to pick up these sorts of recruiters relatively quickly in your conversations with them. A recruiter should always have a convincing rationale for every law firm or employer they suggest to you. If they simply provide you a list of firms and do not appear to understand you and your particular motivations, something is seriously wrong.

What a Recruiter Does When They Submit You

When a recruiter submits your resume to a law firm, a letter or some other sort of communication must be written on your behalf. How this is done will have a large impact on whether or not you get a position.

While the recruiter is interviewing you, he or she will generally make numerous notes and begin to develop a way to package you and your motivations for your job search. The recruiter will dissect your experiences and understand them as well as he can. Once this process is complete, he will prepare a written profile of you. Many legal recruiting firms do not do this. Others may simply write a paragraph or two. Our objective is to prepare an in depth discussion of you.

At BCG Attorney Search, our recruiters typically prepare a discussion of you that goes on for an average of 4-5 single-spaced pages. We also write a capsule summary of your experience, which will generally run one paragraph (we call it an “elevator pitch”). These discussions are very well thought out, and some of our recruiters will work on these for several days. The reason the discussion is so important is that there will generally be several people deciding whether or not to bring you in for interviews. While a recruiter may be speaking on a daily basis with a hiring partner, other partners will make the decision to bring you in and hire you as well. Some legal recruiting coordinators (very few, though) may not know how to communicate your strengths most effectively. A well-written presentation provides the recruiting coordinator with something to refer to.

The summary says a lot of things you could not say about yourself on your own. Our written sum-

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maries accompany all resumes we submit to firms. A written summary is also portable, so it can be shown to numerous people.

We also have proofreaders who review all of our summaries before they are mailed out. We print them on expensive stationery and have word processors professionally format them. All of this detail may sound unnecessary, but we believe that the quality of your recruiter's work product says a lot about you personally. Many recruiters are not good writers. Most of our recruiters are highly educated and accustomed to producing good work. When choosing a recruiter, it is much like choosing a lawyer. You want to get a recruiter who is going to represent you in the best manner possible. An absence of typos and formatting errors in our written work product says a lot about our candidates and their choice of a recruiting firm.

The presentations we send out to law firms may be sent in several ways. One way is by mailing it in response to an opening. This is very infrequent. In our firm, we have offices in each region of the United States. Our recruiters are speaking with hiring authorities inside law firms on a daily basis. Because we service only specified regions, when we "submit" a candidate, the law firm is never a stranger to us. We may submit a candidate while speaking with the firm on the phone (via email-though we infrequently use email), or a couple of days after a conversation, or a week after a conversation. We do not send out resumes blindly, though.

There are other points that bear mentioning. Even if we make an initial fax submission, we always make a submission via a U.S. Mail letter, or Federal Express, because an email is easily deleted (as well as being impersonal and intangible) and fax quality is never good. We do our submissions on our stationery and print our resumes on high quality paper because it makes a better impression and makes our candidates stand out more.

In the end, your resume must be sent to the firm. We believe the work we do here is done as well as it can be and if it can be done better (and there is always room for improvement), it will be.

What you should take away from this discussion is that there are different ways of making a submission. Your submission should be handled as professionally as possible because it is your career on the line. Certainly, there are firms that do not write letters or simply fax out your resume. In some respects, this is the norm. The quality of the submission made is paramount.

What a Recruiter Does After They Submit You

After a recruiter submits you, he or she generally begin the process of following up with law firms and scheduling your interviews. The recruiter also spends a lot of time educating you in more depth about the firms you will speak with, counseling you on what to say and do in your interviews. The recruiter will also help you negotiate offers and will continually speak with you about new openings as they become available. In addition, the recruiter is continually fielding phone calls from law firms about you.

This post-submission work that a recruiter does is the most time consuming part of the job. Recruiters spend hours each day on the phone with their candidates. This is also the most important part of a recruiter's job and has a high degree of bearing on whether or not your job search will succeed.

Conclusions

Far from simply “mass mailing” your resume, the work of a good recruiter is something that is extremely involved. It is unfortunate that there are some “bad apples” among recruiting firms. There is truth to some of the horror stories floating around. It is also true that recruiters who try mass mailing fail. Beware of such recruiters as they do not help their candidates.

Attorneys are extremely intelligent and are trained to study all aspects of an issue before making a decision. I hope that this short discussion at least does something to dispel the myth that all recruiters do is mass mail resumes.