



ATTORNEY SEARCH

By Claudia Spielman

The ins and outs of references and ensuring you get a good one.

This article is intended to supplement the BCG Attorney Search Article: "Handling References: A Basic Guide".

Many factors come into play before a law firm makes an offer to a lateral candidate. You had enough of the right factors (academic pedigree, relevant experience) to open the door and get an interview with the law firm of your dreams. You even nailed the interview, got a callback, and nailed it again. Congratulations, YOU ARE ALMOST THERE!!! Nearly every firm is going to ask for a list of references (typically 2-3) before it makes an offer or will make the offer contingent upon having good references. Yes, that's right. You can actually get an offer, accept the offer, give notice to your firm, and then lose everything because a reference said something negative about you. Thankfully, you are reading this article, and when asked for a list of references by potential employer, you will be prepared; but I am writing this article because others were not and offers have been lost in the past.

ASK SOMEONE WHO KNOWS YOUR WORK

Most employers ask for 2-3 references, and they must be people who have supervised your work, not peers. For instance, firms like to speak with at least one, if not two, partners, and you can use a senior associate or of counsel as the additional reference. If the employer is seeking to speak with a reference before an offer is made, the employer will want someone who is supervising your work now or has in the past. If you feel comfortable having an employer speak to someone on the inside, please make sure this is someone you can trust, because once word gets out that you are looking for employment, it will spread like wildfire, and you may find yourself out of a job. It is preferable to have a potential employer speak with someone who used to supervise you and is no longer a member of the firm.

ASK SOMEONE YOU TRUST

First things first, you need to ask someone to be your reference before offering his/her name, as this person may be caught off guard or insulted. You should know whom you can and can't trust to give you a good reference. Of course, your reference needs to be someone who knows your work; but if you are deciding between someone who knows your work well but is not trustworthy and someone who is trustworthy that you have less experience working with, then pick the latter. Talk to people who you feel confident will enhance rather than hurt your career. If you have heard stories about certain people giving a bad review just to hurt someone's career, don't use that person as a reference.

Sad story #1: John Doe successfully interviewed with the real estate practice of a major law firm. If all went well, John Doe would become the apprentice for a heavy-hitting partner who was planning to retire in a year. John Doe would essentially take over this partner's practice and client base. Pretty sweet deal. The firm wanted 3 references from John Doe. He went above and beyond and offered 4 references, including the head partner at his old firm, Mr. X. Before leaving the firm, there was tension between Mr. X and John, but John spoke with Mr. X about giving

a reference anyway. While John was at the firm, Mr. X told John that he would give John a fairly neutral review. However, once John left the firm, several clients followed him and Mr. X became angry at John. John was also fully aware that Mr. X also had a history of giving former associates lukewarm references, as he was never happy with anyone's work. Although this partner had previously given positive reviews about John's work to other employers, John had heard things had changed since the clients followed John. And unfortunately, although 3 of John's references gave him glowing reviews, Mr. X gave John a less-than-glowing review, which cost him the job offer. Because John already had 3 solid references, he should have never given Mr. X as a reference. John's instincts told him Mr. X could not be trusted, and unfortunately, he was right about that.

PREPARE YOUR REFERENCES

When asking someone to serve as a reference, make sure to prepare him/her. Provide the reference with details about the particular job(s) you are interviewing for. Talk about why a particular position/firm would be a great fit and fulfill your personal and professional goals. Give your reference the resume you submitted to the law firm-if there are different resumes for several jobs, make sure to outline which one is which. Go over why you have decided to leave your current firm and how this firm would be a better fit.

PAGE: 2

Sad story #2: Jane Doe was a third-year associate whose practice was a mix of general and employment litigation. Although her primary choice was to find a pure employment litigation position, she would have accepted an offer in commercial litigation, assuming the firm as a whole was a good fit. Jane was close to a labor and employment partner at her current firm and confided in this partner about her job search. At some point, Jane mentioned to this partner that she would ideally like to join a firm where she could focus 100% of her energy on employment law. Several months later, Jane interviewed with an outstanding litigation firm. The firm did not have an employment practice, and the position was to join the general, commercial litigation practice. Although this was not her primary focus at the onset of her job search, she really liked the work this firm was doing and thought the firm as a whole was a perfect fit for her personality. The firm was as excited about Jane as she was about it. In fact, the hiring partner was ready to make her an offer and just wanted to speak with one reference before going the next step. Jane offered the firm the employment partner whom she confided in. Excited that he finally found the perfect candidate to fill the litigation opening, the hiring partner called the partner to get a reference. When the hiring partner asked the reference why Jane Doe has decided to leave the firm, the reference spoke about Jane Doe's interest in employment law and her sincere desire to focus on it exclusively. The hiring partner thanked the reference, hung up the phone, and immediately called Jane Doe's recruiter. The hiring partner noted how much he liked Jane Doe and was ready to make her an offer, but was very concerned about her interest in employment law, as his firm does not have an employment law practice and the position was for a general commercial litigation position. No matter what Jane Doe or the recruiter said to the hiring partner, the damage was done. He no longer believed Jane Doe was committed to a general litigation practice and consequently did not make her an offer. Furthermore, the firm became skeptical of Jane Doe's motives for leaving her firm. They started thinking she was asked to leave, rather than her making an independent decision.

What could Jane Doe have done differently? In the interview, she should have said, "Yes, the employment partner I work with can serve as a reference, but I know she is very busy, so I will speak with her first to let her know she should expect your call." This would have given Jane time to speak with the partner to talk to her about the position and her newly defined reasons for leaving her firm. The partner would have been able to say, 'Jane enjoys general litigation, and her current employer is not providing the experience she is seeking. I think your firm would be able to provide that opportunity for her.' This would have bolstered the hiring partner's decision to hire Jane, and Jane would have immediately received an offer from the firm.

BE THE FIRST TO RAISE A POTENTIAL BAD REFERENCE

Okay, so you have been working for only one partner, and this partner is known to have a "difficult" personality within the firm. Do not assume outsiders are aware of this person's reputation. The firm you have received an offer from insists on speaking with this partner, but you fear that the partner may give you a bad reference despite whatever discussions you may have had with this partner. Tell your potential employer you are happy to use this particular partner as a reference; however, you want to explain why this person may offer a less-than-stellar review. This must be done without putting down the partner. For instance, one particular candidate notified the firm that a

particular reference may still be upset with him because a client followed him to another firm. This demonstrated the candidate's maturity and ability to generate business, and in fact, the firm decided not to speak to the reference and just made the candidate an offer.

As you can see, references can make or break an opportunity, so be careful. This part of the process is as serious as any. If you have any great anecdotes to share or questions, I'd love to hear from you. Feel free to contact me at claudia@bcgsearch.com

PAGE: 3