

# CHOOSING A LEGAL RECRUITER

By  
**Harrison Barnes**



ATTORNEY SEARCH

[www.bcgsearch.com](http://www.bcgsearch.com)



## CONTENTS

<b>INTRODUCTION</b>	<b>3</b>
<b>QUALITIES TO LOOK OUT FOR IN A RECRUITING COMPANY</b>	<b>4</b>
<b>USING A LEGAL RECRUITER VS. SEARCHING ON YOUR OWN</b>	<b>7</b>
<b>WHAT LEGAL RECRUITING STYLE CAN BEST SERVE YOUR JOB SEARCH?</b>	<b>11</b>
<b>MAXIMIZING THE EFFECTIVENESS OF WORKING WITH A LEGAL RECRUITER</b>	<b>22</b>
<b>DO RECRUITERS JUST MASS MAIL RESUMES?</b>	<b>31</b>
<b>WHAT MAKES A WORLD CLASS RECRUITER</b>	<b>41</b>
<b>THE BENEFITS OF A RETAINED SEARCH</b>	<b>51</b>
<b>HOW TO USE A LEGAL SEARCH FIRM</b>	<b>62</b>

## PREFACE

A legal recruiter is no longer an option to consider, but a necessity. With statistics clearly pointing out that law schools would be fielding four times the number of graduates than there are jobs, and will continue to do so in the foreseeable future, the competition is going to quadruple. And that's started to happen right now.

The economic recovery is faltering dismally and large firms are going under and thinking of letting out the vacant space in their offices. With the news of bankruptcy of companies becoming common you'd think that the bankruptcy practice would be booming. However, recent reports find increased bankruptcy without any increase in the demand for bankruptcy lawyers. Traditional litigation and real estate, the backbone of small practice, is taking a hit. General corporate work is suffering, though labor and employment related practice is seeing a revival. The demands for intellectual property law and international law are also increasing, but how many candidates practice in those areas is debatable.

All in all, it is safe to assume that with the competition increasing fourfold and the market losing its traditional characteristics, legal recruiters would be overworked, and may be for the first time in decades it is a recruiter's market rather than a candidate's.

This little e-book contains brilliant gems of information and innovative ways to differentiate between types of recruiters and find the type that matches you. It would also show you how to interact with your recruiters so that they go out of their way to meet your objectives. It is pages of thorough investigation into the nature of recruiters and the relationship between candidates and recruiters. In the cutthroat competition out there, this book is an invaluable tool that will help you to secure your future with greater ease than you could have ever done without its insight.

The minimal slip in placement can start you on the road to nowhere in an economically dark environment. So, it's time not only to be careful about hiring the right recruiter, it is also time to learn how to make a recruiter work for you. The focus is no more on the highest-paying job, but on the most secure, or the one with the greatest prospects to diversify and survive. So, the focus more than ever is on finding 'the right match,' the workplace where 'your' future is relatively more secure according to your abilities and inclinations. It's time to start finding out the secrets offered within the pages before you.

## QUALITIES TO LOOK OUT FOR IN A RECRUITING COMPANY

One question that I've been often asked is: What qualities/characteristics should I look for in a recruiting company?

Here is my response:

A good legal recruiter needs:

- to have persuasive skills,
- to be likeable,
- to have a good pedigree—in most cases—to understand the nuances of top level firms,
- to have an outstanding work ethic,
- to be entrepreneurial,
- to be a risk taker,
- to be diligent about learning information about the market,
- to be good at understanding people,
- to have a high level of concentration,
- to like people,
- to have a natural inclination to be in the legal profession,
- to be tough skinned, and
- to be intuitive.

These qualities (and these are only a few) are the qualities which distinguish good recruiters, in my opinion, from poor ones. But it goes much further than this. A good legal recruiter needs to be genuinely excited—deep down—about their job and have a 100 percent commitment to what they are doing. Nothing less. This is fundamentally important, and no recruiter can be without this.

The best legal recruiter out there will get out of bed each morning so excited about the job he or she is doing that he or she cannot wait to get to work. The best legal recruiter out there will spend his or her weekends excited about the coming week so he or she can get back to work. The best legal recruiter will probably also not be able to control him or herself from not working and will find him or herself logging on during the weekend. A final point is that the best legal recruiter is excited about his or her candidates and interested in their lives. They are interested in the employers they are working for, too. The best legal recruiters may be so excited about what they do that they cannot help but get overly excited about the legal industry just by reading about it—they see opportunities everywhere they turn for their candidates.

Genuine, deep-down, and natural commitment is incredibly important. Because attorneys are so naturally conditioned to believe that practicing law is the only thing an attorney should be doing, there is a perception of sorts that anytime an attorney steps out of the practice of law there must be something wrong with them. I would submit to you that this is often true—yes, there is often something wrong with people who leave the practice of law.

People who leave the practice of law often do so because:

- they have a poor work ethic and do not want to work as hard,
- they cannot get along with others,
- they cannot concentrate for long periods of time,
- they have drug or alcohol problems,
- they have no interest in the legal profession,
- they do not know what they want to do,
- they want to spend more time with their family, or
- they want to be “independent” from a working environment

You name it—there are a lot of negative reasons people leave the practice of law. Some people have horrible legal pedigrees and simply cannot get hired once they leave. Others have a myriad of personal reasons for leaving and cannot find a job after losing their job for one reason or another. Personally, I do not care why people leave the practice of law—this is their business—but I want to be clear about one thing: I sure as hell would never want to hire a legal recruiter who is leaving the practice of law for any other reason than that they know they are not suited for the practice of law. This is the only reason they should be leaving.

When I hire the right legal recruiters at BCG Attorney Search who know they should be recruiting and want to recruit because they get excited about it, something miraculous happens. Those recruiters change people’s lives and enrich the law firms they are working for. More people get better jobs, people find jobs that make them happier, and lawyers end up working where they should be working. Tons of great things happen. I am proud of this. As the CEO of a legal recruiting firm, I run a recruiting firm that is not motivated by profit from hiring tons of legal recruiters, but by having the absolute best legal recruiters possible. It is no easy task making sure only the right people are part of our team. In fact, we even run psychological tests on all prospective recruiters to make sure they are cut out for the work.

When a wrong legal recruiter enters the profession or recruits for the wrong reasons then you will not benefit. What is true for many professions is no less true for legal recruiting: There are a lot of people in the profession that should not be there.

Many people believe that the best legal recruiter is the one who went to the best law school or worked at the best firm. In my experience, the opposite is true more often than not. It does not matter where your recruiter went to school or where they worked. What it comes down to is their ability to get excited about you, understand you, and be in love with their job and what they are doing. This is what everyone needs when they are being represented by a legal recruiter. Certainly the intelligence of your recruiter is important, but what is most important is a recruiter whose heart and soul is in the work—a recruiter who knows he or she is doing exactly what he or she should be doing with his or her career and life. Most likely, this recruiter will tell you from the heart how his or her life was changed by becoming a legal recruiter, how he or she knew it was the profession for them, and how he or she cannot get enough of it. Find a recruiter like this, and they will change your life, too.

## USING A LEGAL RECRUITER VS SEARCHING ON YOUR OWN

Working with a legal recruiter is the smartest decision a good attorney can make. Legal recruiters typically operate in the “upper echelons” of the legal profession and for people who are suited for their services legal recruiters are the absolute best career resources.

Legal recruiters can identify the best opportunities for you; will counsel you on your move; will provide you inside information about the various employers you are investigating; will draw out your strengths and present them to employers in a convincing way; will provide a “valuable prescreening” function for the employers and just by their virtue of representing you, provide you with a good entree to the employer. In fact, many of the largest and most selective law firms rarely look at candidates unless they come from a preferred legal recruiter. For example, numerous candidates I have represented at BCG Attorney Search may have not even received a response when they approached a firm on their own before coming to our firm. A good legal recruiter can make that much of a difference.

There is a catch to using a legal recruiter, however. A good legal recruiter cannot and will not work with everyone. In fact, the best legal recruiters will only work with people who are stars. One analogy I like to make is that there are a lot of people out there who play sports, but only a very small percentage of them have sports agents. The same thing applies to using a legal recruiter. I estimate that less than one percent of all attorneys should be using a legal recruiter for their job searches.

There are a few rules you need to be aware of when considering whether or not to work with a legal recruiter. These are the main rules I would recommend that most attorneys follow.

### **Good Legal Recruiter Never Works with Law Students.**

Legal recruiters are hired only to find experienced attorneys. There are literally tens of thousands of law students who blanket firms with their resumes each year. Firms (even small ones) generally need no outside assistance to find recent law school graduates to hire. It is very easy for law firms, corporations, and other organizations to hire law students.

An important rule to remember about the use of recruiters is this: They are used only to hire people who have immediately transferable skills. Transferable skills are picked up by actually working inside a law firm or corporation and being aggressively supervised and having work

looked over on a daily basis and having a consistent supply of work. This is much different from the theoretical grounding and other sorts of information that someone picks up in law school. Many law students are very enthusiastic about their prospects, former jobs they may have held before law school, and more. None of this matters to an organization that will want to use a recruiter to fill the job.

Recruiters charge fees to hiring organizations. Because they charge fees, their work is largely covered by supply and demand. This very simple law states that people will only pay for something when they have to. Rest assured, law firms do not need to pay for law students. In all of my years of recruiting, I have never seen a law firm or any other organization use a recruiter to hire a law student.

The caution here is that this does occur. Recruiters will experiment and occasionally try to represent a law student. They should not be doing so.

### **A Good Legal Recruiter only Works with Attorneys with Rare Qualifications and who are in High Demand.**

This is a loaded statement that requires some explanation. Here are the basics:

- a. *If you have between 1 and 5 years of experience and are working at a top law firm, you are likely a good candidate to use a legal recruiter.*

How do you know if you are working at a top law firm? A top law firm is one where most of the attorneys went to top law schools and where most of the attorneys know they are the cream of the crop. Here, the attorneys are generally representing significant corporations in significant matters—real estate, corporate law, intellectual property, or litigation. If you are working at a top law firm, you will generally know it. These law firms are typically among the largest 200 or so in the country and recruit at top-20 law schools regularly. “If you have to ask...” is a good analogy for these sorts of firms. There are some exceptions to this. There are often patent boutiques, real estate boutiques, and other sorts of firms that may not be large but nevertheless are considered excellent shops.

The reason law firms require you generally have between 1 and 5 years of experience is because in this period you are not a major contender for partnership and your billing rate is still attractive to clients. First, if a law firm hires someone with more than 5 years of experience, he or she will likely be competition for partnership in the firm. This can upset the balance of power among associates who have competed for partnership for years. This is not to say firms do not hire people beyond this level; however, it is rare.



Second, as someone gets more advanced, his or her billing rate increases. As his or her billing rate increases, it becomes more expensive for that person to be given work. For example, an associate with 8 years of experience will likely have a billing rate comparable to a partner's. A paying client would rather have a partner doing the work in this case. In addition, the partner would likely also rather do this work him- or herself and get credit for it rather than farming it out to an associate.

Finally, until you have at least one year of experience, you really do not know what you are doing. Remember: The law of supply and demand governs the use of recruiters. There are plenty of attorneys who do not know what they are doing, and employers are looking for those who do.

- b. *If you are a partner with a lot of portable business, you are likely a good candidate to use a legal recruiter.*

Law firms are businesses and make most of their decisions based on business calculations. Having a lot of portable business as a partner will likely be good if you are seeking a position in a law firm. Your billing rate should also be compatible with that of your new employer. Most partners will have a good idea if they are marketable to another firm and generally do not need to ask if it is appropriate for them to be using recruiters.

- c. *There are always "in fashion" practice areas that may make you in demand.*

During the real estate boom in 2004-2005, real estate attorneys were in demand. Before that, during the dot-com boom, corporate attorneys were in demand. At other times, patent prosecutors have been in exceptional demand. There are always economic cycles in effect that make one sort of attorney far more in demand than another. The way to know if you are in special demand is generally to listen to your phone. If your phone is ringing with lots of solicitations from legal recruiters, your practice area is probably in demand. You will generally know if your practice area is in demand.

- d. *Rare qualifications can be different things in different times and places.*

I put this section last because every attorney believes he or she is special. Everyone is special, but whether you are special enough to use a legal recruiter is another matter entirely. Going to a top law school and not working a prestigious firm after law school may make you rare in the right market and thus marketable. Being fluent in a certain language may make you rare in the right market. You never know exactly what "rare" is. By "rare," I mean "quite rare" as a general rule.



If you are a part of the group who should be using a legal recruiter, then you should be using a legal recruiter. If you fit into the group above, then by all means use a legal recruiter. A good legal recruiter could change your life dramatically by ushering you into an outstanding employment situation.

Like all good things, a good legal recruiter is generally very organized, brings a bit of “art” to his or her work, and has a very highly developed way of working. There are very, very few good legal recruiters. Being a good legal recruiter means different things to many people. Being a good legal recruiter is not easy. Just like you should know if you have the qualifications to use a legal recruiter, you should also know a good legal recruiter when you speak with one.

## WHAT LEGAL RECRUITING STYLE CAN BEST SERVE YOUR JOB SEARCH?

Every legal recruiter practices their own brand of recruiting, and, for the most part, each style has merit. As the head of a national recruiting firm, I speak with legal recruiters both within and outside of my recruiting firm each day and have become quite familiar with various recruiting styles. When you are searching for a recruiter, it is important that you, too, are aware of the various recruiting styles as your legal recruiter's particular recruiting style can often determine how effectively they can assist you in your job search.

In my experience, there are three main types of recruiters. I call the first type of recruiter "the Cougar." The Cougar is typically most concerned with making the perfect match and does not submit people to a lot of firms or work with a lot of candidates at one time. The second sort of recruiter is the "Market Penetrator." A Market Penetrator typically works with many candidates at one time and submits his or her candidates to many firms at once—often regardless of whether these firms have positions or not. The third sort of recruiter is the "Database Lover." The Database Lover generally submits only highly qualified candidates to active openings. Unlike the Cougar or the Market Penetrator, the Database Lover is a little more literal in terms of their approach to recruiting and placement.

Each recruiting method has its own sets of advantages and disadvantages. The recruiting styles of the Cougar, Market Penetrator and Database Lover are explored below.

### **THE MARKET PENETRATOR**

#### **A Typical Market Penetrator Placement**

*Market Penetrators spend a couple of hours each day studying law firm websites, job boards and other sources for openings. They also are very interested in law firms and read most periodicals and legal newspapers they can get a hold of. The Market Penetrator may even spend some time reading Martindale Hubble because they want to know everything they can about the market because they believe that will allow them to make placements. While Market Penetrators may meet with law firms on an ongoing basis, their belief is that the market is huge and that their emphasis should be on the global picture and knowing what is going on in the market as a whole — not necessarily just inside one law firm.*

*The Market Penetrator decides a certain type of attorney in a certain practice group is in demand. They have openings for that type of attorney; however, they also believe a good attorney in that practice area will be marketable at firms that do not even have openings. The Market Penetrator takes out a few ads in legal periodicals and job posting boards seeking those sorts of attorneys and tends to make a bunch of calls. When the Market Penetrator starts finding candidates, he or she will submit them to a large number of firms- firms with openings and firms the Market Penetrator simply believes may have openings. As candidates get interviews, Market Penetrators submit more candidates to the firms that are interviewing his or her candidates if they match the same profile. Without ever forming a particularly close relationship with any hiring organization, the Market Penetrator makes a placement.*

The Market Penetrator's method of recruiting and placement is based upon sheer force and aggressiveness. This Market Penetrator's recruiting method is based upon the belief that (1) the respective candidate's goal is to get the best possible job and (2) the candidate needs to be aggressively marketed because (a) they will find a job (through the recruiter-or otherwise), and (b) the recruiter should be the one who gets them the job. Market Penetrators also believe they cannot possibly know everything that is going on in their market and must constantly be pushing to market their candidate to new and potential opportunities matching the candidate's interest.

Under the Market Penetrator's method of recruiting and placement, the recruiter will seek to represent a high number of candidates under the belief that they are constantly taking the pulse of the market (through submitting candidates to employers) to see where the opportunities are most likely to be. This, in turn, enables the recruiter to be able to make choices about proper submissions due to the constant feedback the market provides.

The Market Penetrator typically takes a candidate and researches (1) current jobs, (2) past jobs in a market, and (3) potential jobs.

First, the Market Penetrator will know the current jobs where the candidate is or is not a good fit and will choose these jobs from the list of active jobs in their recruiting database. The recruiter will always attempt to interest a candidate in the active positions that are most appropriate for that person. The Market Penetrator will also likely do independent research to find active jobs for their candidate.

Second, the recruiter will then look at past jobs and, depending upon the candidate's practice area or-the strength of a given market-will also select a certain amount of past jobs for the candidate if the Market Penetrator believes that the same firms may have the similar openings

again. While it is not always the case, if a candidate is in an obscure practice area where there are typically very few active jobs, the recruiter will spend a great deal of time studying past openings to see who might be likely to hire that type of attorney.

Third, the recruiter will use Martindale and their knowledge of the market gained from reading various legal periodicals to develop a potential list of firms to “hit” with the candidate’s materials in order to see if the firm has any interest. In some instances, the firms the recruiter “hits” will be firms the recruiter and/or recruiting firm has not dealt with in the past and does not even have openings. This method of recruiting is something that not many recruiters necessarily do; however, it deserves mention since it is a tool in the Market Penetrator’s arsenal.

## The Advantages

The advantages of the Market Penetrator’s method of recruiting and placement are:

**i. *They are likely to assist the candidate in applying to the majority of the places the candidate is likely to find work.***

The Market Penetrator is likely to expose his or her candidates to the majority of real and potential openings in the market. Through their in-depth understanding of the market, the Market Penetrator develops a level of insight that surpasses what most candidates could ever know.

When working with a Market Penetrator, most candidates do not need to do much work for themselves in their search. They can rest assured that their recruiter knows where openings are and are most likely to be. Using a Market Penetrator largely eliminates the need for a candidate to use multiple recruiters.

**ii. *They are constantly turning up new jobs as firms their candidates may not have approached (i.e., firms with inactive jobs or no jobs at all) express interest in their candidates (a Market Penetrator may sometimes get a new fee agreement from a hiring organization every week).***

The idea that a recruiter may approach firms without specific openings on a candidate’s behalf is something that is quite alarming to individuals who are not recruiters (and even some recruiters). Nevertheless, good Market Penetrators approach firms only after a very careful study and an educated opinion that their candidates may be a good fit for the firm.

You need to keep in mind that the Market Penetrator believes the market is massive. The Market Penetrator also believes that no amount of intelligence can ever provide him or her with all of the openings in the market. The Market Penetrator believes the best way to learn of new openings beyond those he or she already have is to be constantly taking the pulse of the market. For this reason, as firms interview his or her candidates, new openings are developed for candidates who that recruiter works with later. Ironically, Market Penetrators typically have the most real openings.

**iii. *They are giving the candidate the broadest possible choice of opportunities to make an educated decision about where they might work.***

The Market Penetrator is able to give their candidate a broad range of choices of where to work. In a given city, there may be over 25 places where a candidate could potentially work and some candidates are likely to be more comfortable in some of these places than others. By giving their candidates so many potential options, the candidate the Market Penetrator represents may actually have a more fulfilling career.

**iv. *Market Penetrators approach firms that other recruiters are not approaching and therefore their candidates have a better opportunity of employment due to less competition.***

Because the Market Penetrator is approaching firms that other recruiters may not, there may be less competition for these jobs. Accordingly, the Market Penetrator's candidates are more likely to be hired.

## The Disadvantages

The disadvantages of the Market Penetrator's method of recruiting and placement are:

**i. *It takes a lot of work in terms of research and this comes at the expense (most often) of forming strong relationships with employers and candidates.***

A Market Penetrator must spend a great deal of time doing research. In fact, the Market Penetrator's whole method of recruiting is based upon doing a great deal of research. While this may not seem like that bad a thing, most recruiters are "social animals" who go into recruiting because they enjoy interacting with people on a frequent basis. Accordingly, this recruiting method is not something that all recruiters are comfortable with.

The research a Market Penetrator does is often so time-consuming that they cannot spend a great deal of time getting to know their candidates and clients personally. This lack of in-depth personal attention can be somewhat detrimental in that the recruiter cannot understand the complexities of various personality types at work in making a good match possible.

**ii. *It generally results in a lower percentage of interviews than other methods.***

Because a large portion of the Market Penetrator's work is exploratory, his or her candidates may often be introduced to employers that are not the most ideal fits for the candidates. Accordingly, while some recruiting methods are very likely to result in a high percentage of interviews, the Market Penetrator will likely get its candidates a lower percentage of interviews when compared to the number of submissions it makes.

**iii. *Firms may become annoyed because they are receiving "unsolicited" resumes.***

An unsolicited resume is one the firm does not request and does not come in response to a specific opening. If a recruiter sends too many unsolicited resumes to a firm, that firm will become annoyed and may request the recruiter does not send them any more candidates. If this occurs, future candidates may be discriminated against by virtue of being represented by that recruiter, even if the firm does have openings.

## **THE COUGAR**

### **A Typical Cougar Placement**

A Cougar calls up a law firm and asks to meet with the hiring staff. The recruiter visits the law firm and spends time meeting with the hiring partner, recruiting coordinator and other attorneys in the firm. In the meeting the recruiter "hits it off" with the law firm and the firm gives the recruiter their openings. The recruiter also establishes a strong bond of trust with the law firm and both understand each other very well. Over months or years, the recruiter and law firm establish a very strong bond of trust. The recruiter has a very good sense of the types of candidates the law firm is likely to interview and hire. The Cougar may visit with the law firm several times per year.

When these recruiters are in the market, they are very focused upon this law firm's hiring criteria. They primarily ignore candidates who do not fit the law firm's needs. They spend time calling "ideal candidates" and running a limited amount of advertising. Many attorneys may not actually know the name of the recruiting firm the Cougar works for and, quite often, the Cougar

may even work alone out of their home. The Cougar spots the ideal candidate and meets with him or her. The Cougar says many good things about the law firm and the candidate meets with the law firm and is hired. The Cougar has made a placement.

It is a little known fact that recruiting is among the world's oldest professions. For as long as human beings have worked for compensation, there have been those who are paid to recruit people to do this work. The Cougar's recruiting style has literally been around for thousands of years and is among the most traditional types of recruiting. Long before databases, computers and even classified advertising, the Cougar was plying their trade.

As the name suggests, the Cougar lies in wait for the ideal candidate (or hunts them by calling) and knows the exact jobs to submit the candidate to and the best candidates likely to fill that job. The Cougars' method of recruiting and placement is based upon the idea that (1) they are very familiar with where the candidate is likely to get a job, and (2) by having a very highly developed sense of the market and good understanding of their clients, they are likely to get their candidates the best interviews.

Under the Cougar's method of recruiting and placement, the recruiter spends a great deal of time thinking about the firms and potential candidates for those firms. Very few candidates may be represented at one time; however, each candidate represented is likely to get interviews. A candidate may be submitted to as little as one or two firms. In addition, the recruiter tends to form very close relationships with a limited number of firms. This, in turn, results in the recruiter's candidate being looked at quite closely. The recruiter also tends to form an excellent and very close, trusting relationship with each candidate he or she represents.

In situations where there are as many as ten potential opportunities in the market for the candidate (i.e. active jobs), the recruiter may submit the candidate to as few as two or three of those jobs under the belief that the candidate is most likely to be a "fit" at these firms. Cougars know their market and are highly selective with their candidates and the firms they submit them to. It bears noting that this is the most typical method of recruiting and placement among recruiters nationally. The reason for this is because it works.

## Cougar Recruiting Examined

The Cougar's method of recruiting and placement is based on having a very strong focus. This focus has both its advantages and disadvantages.



## The Advantages

The advantages of the Cougar's method of recruiting and placement are:

**i. *They make placements other recruiters are unlikely to make (and learn about jobs first).***

A Cougar forms a very strong relationship with hiring authorities. This is the nature of the Cougar and in most cases the Cougar is simply not comfortable working for hiring organizations he or she does not have a very close relationship with. As a consequence, the openings that a Cougar has are all real openings where the hiring organization has a definite need.

In addition, because the Cougar's relationship with the hiring organization is so close, the hiring organization may not provide these openings to other recruiters for fear of upsetting the Cougar. Therefore, the Cougar is more likely to make placements with these hiring organizations and have access to opportunities other recruiters may not.

**ii. *They have a very good understanding of the types of candidates firms are likely to hire.***

When a candidate is approached by a Cougar (or finds a Cougar via an advertisement), the candidate's time is not being wasted if the Cougar decides they are a good fit. If a Cougar is working with a particular candidate, the odds are very high that the candidate will be interviewed and hired by the particular hiring organization.

This level of understanding is beneficial for everyone. The candidate has access to "inside information" about a particular hiring organization and can make educated decisions about whether they want to interview with the hiring organization or not.

**iii. *They form very close trusting relationships with their candidate.***

Because Cougars generally do not work with many candidates at one time, they can take the time to really understand the people they are working with. In addition, because the Cougar is so concerned about his or her candidates being a good fit for each hiring organization, he or she will ask many questions and get an in-depth understanding of the candidate to ensure that the best match of client and candidate is made. The Cougar is typically very concerned with what his or her clients think of them.

While a Cougar is compensated by the hiring organization, this recruiting style is also very conducive to representing candidates for a very long time until the "perfect fit"

comes along. A Cougar may work with a candidate for months or even years until the perfect job opportunity is located. This is the way Cougars like to operate. Accordingly, a candidate may be well served when an excellent opportunity does come along.

## The Disadvantages

The disadvantages of the Cougars' method of recruiting and placement are:

i. ***By taking on so few candidates, they miss numerous opportunities to make placements.***

The Cougar is extremely focused. Their focus is upon having strong relationships with a limited number of law firms at one time. Because of this focus, a Cougar will miss many good candidates in the market and many places where they could make placements. The Cougar does not care, though.

ii. ***They develop fewer new jobs and an in-depth understanding of their markets through proactive marketing of candidates.***

The Cougar does not seek to develop a high number of jobs. He or she only cares about the jobs matching his or her clients. Accordingly, the Cougar can offer candidates only a limited number of opportunities at one time. If a candidate is seriously seeking a new job, he or she may not be well served using a Cougar who will only introduce them to a limited number of openings.

## THE DATABASE LOVER

### A Typical Database Lover Placement

Database Lovers spend a great deal of their time studying active openings in their recruiting firm's database. Since most Database Lovers work at large recruiting firms, they have the benefit of a large stable of potential candidates to work with. The Database Lover will examine openings that the recruiting firm gets each day and reach a decision about the sort of openings he or she would prefer to recruit for. Whether through an advertisement, a cold call, or an existing relationship, the Database Lover gets a particular candidate to work with. The candidate is submitted to active openings matching the candidate's profile in the database. A certain number of these employers interview the candidate and offers are extended. The candidate accepts one of the offers. The Database Lover makes another placement.

The Database Lover's method of recruiting and placement relies principally on the use of a database to make placements. Very few recruiters utilize this method of recruiting and placement and those that do are typically at large recruiting firms with sophisticated databases.

Under the Database Lover's method of recruiting, candidates are sent to firms with "active" openings in the recruiting firm's database. This recruiting method is based upon the belief that (1) if there is a real job, the candidate should be marketed to it, (2) the most likely source of a placement is with a real job, and (3) firms should be treated with respect and only shown candidates when they have made us aware they have a specific opening.

### The Advantages

The advantages of the Database Lovers' method of recruiting and placement are:

- i. ***They are able to provide firms with candidates matching their openings on an ongoing basis (and not upset firms with unsolicited resumes in the process.)***

The Database Lover submits candidates in response to actual openings that employers have. Employers know that the Database Lover only sends them candidates if they have an actual opening. Accordingly, firms come to rely upon the Database Lover for a steady stream of applicants for their positions and most often are not annoyed with the Database Lover's recruiting efforts.

- ii. ***If they are aggressive, they can approach employers with openings in odd areas (e.g., Maine, Sacramento, Indiana, Saudi Arabia) with appropriate candidates that are likely to be direct hits.***

One advantage of the Database Lover's method of recruiting is that it is quite literal. Because their emphasis is not on knowing markets like Market Penetrators, or knowing firms like Cougars, Database Lovers can often be quite effective. This is particularly so in areas "off the beaten path" where employers may have openings for an extended period of time and see few candidates.

For example, if there is a firm in rural Maine with an opening for a patent attorney and the Database Lover finds an excellent candidate willing to interview with that firm, his or her efforts are likely to have a very high rate of success.

## The Disadvantages

The disadvantages of the Database Lovers' recruiting methods are:

- i. ***They do not necessarily ever get thorough market coverage because they are responding to actual jobs for the most part.***

The Database Lover looks for actual openings and puts his or her candidates into competition for those openings. This method is not based on research or identifying "market trends" like the Market Penetrator's methods. Accordingly, the Database Lovers may miss many potential openings for their candidates.

- ii. ***They may not take on candidates where they do not have actual openings.***

Because they are almost exclusively dependent on a database, the Database Lover may fail to place many candidates whose skills and experience make them extremely marketable if the recruiter does not have actual openings to submit the candidate to.

- iii. ***Their candidates are competing with every other candidate in the market.***

- iv. Database Lovers are not the most creative recruiters. They could be said to be somewhat "masters of the obvious" in that their approach is quite cautious. Because they do not rely on the sort of research a Market Penetrator does, or develop the strong relationships a Cougar does, the Database Lover will miss many openings other recruiters might find.

## CONCLUSIONS

While there are certainly many different types of recruiters, I believe the following characterizations show most heavily the main characteristics of recruiters. The above explanation could be dramatically expanded with more examples and insights; however, for the most part, these are the three main types of recruiters.

Make no mistake about it: The Cougar thinks they do the best work, just as the Database Lover and the Market Penetrators believe they do the best work. The fact that there is any tension between competing methods is a sign of a healthy organization and in any good recruiting firm you will find recruiters who gravitate towards one method of recruiting or another. While I hesitate to say this, if your recruiter cannot explain their particular style of recruiting to you, they may be doing something wrong. You also may be more comfortable working with one type of recruiter than another.



No method is the wrong way. Instead, I believe that a combination of each of these ways offers the best method. When you are working with a legal recruiter it is important to understand what type of recruiter you have. Your recruiter's particular style will explain the results he or she is getting for you in your search.

## MAXIMIZING THE EFFECTIVENESS OF WORKING WITH A LEGAL RECRUITER

### Introduction

One of the most misunderstood facets of the legal-recruiting industry is the following: You have many options when choosing a legal recruiter (not just the one that cold-called you), and how well you work with your legal recruiter will directly influence how successful the legal recruiter is in working with you.

If you have ever spent any serious time in Hollywood, you have undoubtedly come across numerous people with agents. When you speak to someone with an agent, he/she often talks about things he/she told his/her agent:

"I told my agent I do not like this kind of part because of X."

"My agent says that if I wait about six months, a part with X may open up."

"My agent knows my personal obligations and is not going to allow me to work with X director because he is too demanding."

Similarly, the more time you spend with someone with an agent, the more you realize that he/she is communicating with that agent all the time. Frankly, if any of these people with agents are your friends, it can get pretty annoying. Their cell phones are ringing during lunch with calls from their agents. They need to call their agents during lunch, and so on. If you go to any group social functions with your friends who have agents, the agents are very likely to be there. There-instead of using cell phones-the agents and their clients will be seen talking in corners frequently.

The reason we tell you all of this is that in the entertainment industry, the people with agents have it figured out that the more they communicate with their agents, the more likely they are going to be to find their perfect matches in terms of what they are seeking in their careers. The client and agent also establish a working and friendly professional relationship where the agent constantly knows about what is going on with his/her client, both personally and professionally.

In the legal industry, there are a few select attorneys (less than 1%) whose skills are good enough that they need agents, just like famous actors and actresses do in places like Hollywood. Admittedly, the legal-recruiting industry is much different from Hollywood; however, in both

cases the agents and legal recruiters are working with people who, if they are not stars, have tremendous potential. The job of a legal recruiter is to sell your potential to law firms.

If you have worked with a recruiter in the past, you likely have a pretty good idea of how the process works. If you haven't yet worked with a recruiter, the idea of placing your career in somebody's hands may seem rather daunting and scary. Regardless of which category you fall into, it is important to know that if you are able to use a legal recruiter, our goals are the same: to help you get a job where you and the firm will both be happy. In this regard, here are some ways you can ensure that you choose the best recruiter and maximize the effectiveness of working with your recruiter.

## How to Select the Best Legal Recruiter for your Needs

### ***You do not need to use the first recruiter that calls you.***

There are a plethora of recruiters to choose from regarding your search for a better opportunity. And all are not created equal. We are amazed by how often attorneys decide to place their careers in a virtually unknown recruiter's hands just because a particular recruiter was the first to cold-call them about an opportunity. Often, when we ask attorneys the names of their former recruiters, they frequently respond to the effect of "I don't even remember the person's name" or "I only spoke to the person once, and he/she forwarded my resume to a bunch of places, and I never heard back from him/her."

It is important to realize that just because a particular recruiter calls you that does not mean that he/she is the only person working on the search for a law firm. Unless the recruiter has an exclusive on the search, it is likely that numerous recruiters are working on the search, and you definitely have a choice as to whom you want to work with. Similar to buying a house-you do not need to work with the first real estate agent that you come in contact with. And feel free to interview multiple recruiters as well.

How do you select the best legal recruiter for your needs? Now that you understand that there are numerous options in terms of choosing a recruiter, here are some things you should consider when choosing a recruiter.

First, do you feel comfortable speaking to the recruiter about your ideal job and career dreams? Do you feel that the recruiter is interested in getting to know you and your most important priorities, or is the recruiter merely trying to sell you on the particular job he/she is calling about?

Second, is the recruiter reputable? Is the recruiter with an established company that you can easily research? Can you research the individual recruiter's educational and professional backgrounds?

Third, does the recruiter spend a significant amount of his/her practice cold calling? This is an important consideration for the following reason. If a recruiter cold-calls attorneys all day, this recruiter must have certain firms that he/she "places in" and some that he/she "calls into." Firms will not work with recruiters who cold-call into them because this is considered "double dipping" and is highly frowned upon. Thus, if a recruiter calls into half of the firms in a city (and these firms are obviously not firms that the recruiter can make placements in), the recruiter has access to only half of the opportunities in the given city. On the other hand, if the recruiter does not spend much time cold calling and works off of referrals or candidates initiating contact, this recruiter will have access to many more opportunities.

Fourth, if you are searching in a particular region of the country, be sure to confirm that the recruiter has experience working in this region. For example, if you are moving from New York to Charlotte, most likely, the New York recruiter is focused on the tri-state region, while the recruiter who is based in the Southeast region will have a much better idea of what jobs are available in the specific market. Indeed, law firms seem to have preferences working with recruiters that are either based in their geographic regions or have a lot of experience working with attorneys in their particular regions. This is because law firms appreciate developing long-term relationships with recruiters that they enjoy working with. Given the significant amount of time it takes to monitor opportunities and develop relationships with law firms, it is literally impossible for a single recruiter to be able to cover the entire nation. If a recruiter suggests that he/she can cover the entire nation, don't walk, RUN for the hills.

Fifth, a referral from a fellow attorney is a great way to find a recruiter. If somebody you know and trust has had a positive experience with a particular recruiter in the past, this should be given substantial weight.

***Candidates who work with one recruiter typically have the most success and the least chance of getting "Bounced" as a result of dual submissions.***

While you are certainly free to use as many recruiters as you want and it may seem tempting to have several different recruiters cover the market, it is common knowledge in the industry that candidates who work with one recruiter have an overwhelmingly higher rate of success than those that use several recruiters.



There are some definite benefits of working with just one recruiter. As an initial matter, working with one recruiter eliminates the possibility of a “double submission.” More often than you’d like to think, attorneys who use multiple recruiters often do not keep the best notes or records of where they have applied in the past six months. (The six-month period is the industry standard for determining who has priority. In other words, if you or a recruiter submitted your materials to a firm on January 1, another recruiter should not submit you to that same firm until, at the least, after July 1). In these situations, there is a heightened risk that you may inadvertently authorize two recruiters to submit you to the same firm within a six-month period. If this happens, even if you have stellar credentials and your experience is right on target, a firm will reject you for two reasons. First, the firm will do anything to avoid getting into a fee dispute with two separate recruiting companies and will find it much easier to reject the candidate. (Remember, this same rationale applies if you apply to a firm directly on your own and then to the same firm through a recruiter within a six-month period.) Also, if a submission is received from two different sources, it sends the signal that the candidate is either disorganized or somewhat desperate for a job.

Furthermore, working with one recruiter allows you to have a consistent coach, confidant, and cheerleader in your corner at all times and can help keep you on track in light of your stated goals and priorities. We have also found that you will likely feel more comfortable opening up and providing a greater deal of information if you have a solid relationship with one recruiter, which is crucial to the process. Importantly, if a recruiter knows about all of your different interviews, he/she can often use the information to generate and maintain interest from various firms. Furthermore, firms are more likely to actively pursue a candidate when a recruiter appears to have thoroughly screened the candidate and is fully aware of the ins and outs of a candidate’s situation.

In short, because a recruiter is somewhat akin to an air traffic controller, the more information a recruiter has, the better he/she is able to expertly survey your job landscape, keep you on track, and effectively manage and coordinate your search with you to make sure it is as smooth as possible.

***Once you have selected a recruiter, what should he/she be doing to assist with your search?*** The recruiter you work with should always write a detailed cover letter on your behalf to the firms. The cover letter should discuss, at a minimum:

- Why you are considering a move;
- Your interest in the specific firm;
- Your academic achievements;
- A very detailed description of your work experience (which goes beyond what is merely in your resume);
- Why you have made certain job changes in the past, with provided explanations;
- Any special accolades or characteristics that may set you apart from your peers; and
- Any other relevant personal information.

We strongly believe that one of the biggest advantages of using a recruiter is that a recruiter can tell your story in a unique way, brag on your behalf (without your appearing conceited), and-most of all-answer any questions that somebody reviewing your resume might have at first blush (e.g., Why is the person looking? Why did he/she leave the last job after only one year? Why did he/she get two C's during the last semester of law school?). In fact, we feel so strongly that a comprehensive cover letter is crucial to your candidacy that we do not present any candidates without at least a several-page cover letter.

Many recruiting coordinators have privately confessed that they routinely reject candidates when their submissions do not have explanations about certain potential red flags. Oftentimes, a mere explanation can make all the difference. In the words of one recruiting coordinator at a very well regarded firm: "It is amazing how, when we have so many resumes and need to narrow our pile, we just reject flat-out those candidates that don't have explanations for all our questions and interview those that do."

Importantly, telling your story verbally does little to truly help your candidacy in the long run because, although maybe the recruiting coordinator or one partner may have the explanation, odds are that the other five or six people reviewing your resume will not be privy to the same explanation and could draw the same adverse conclusions.

Many recruiters, unfortunately, are focused primarily on sending out as many submissions as possible to increase their chances of making a placement and, therefore, spend a minimum amount of time on submissions. If a recruiter merely emails or faxes a resume to a firm with little or no background information, you are losing out on perhaps the biggest advantage of using a recruiter. In those cases, you would likely be better off just sending your resume yourself.

Lastly, your recruiter should ask you for a deal sheet, or significant transactions sheet, if you are a corporate, securities, real estate, or tax attorney. If you are a litigator, you should provide the recruiter with a couple of writing samples. The recruiter should have examples of deal sheets, depending on your practice area, to assist with your detailed transaction list. The writing sample should be something recent and almost entirely your own work product. After you have done a full read through on your writing samples, your recruiter should offer to read your writing sample before he/she submits you to the firm. We have found that about 90% of the candidates submit writing samples that have at least one typo. That grammatical error or spelling mistake can make or break your candidacy with a firm when you are competing against another attorney of equal qualifications, personality, and experience. It also helps to have a recruiter who either was a former attorney or has worked in a law firm review your writing sample or review your deal sheet. These individuals are most familiar with the work product that partners and associates are interested in reviewing and will understand, if applicable, how to make your deal sheet or writing sample better.

### **Now That You Have The Right Recruiter, Here Are Some Ways You Can Maximize The Effectiveness Of that Recruiter.**

#### ***Help us get to know you, not only as an Attorney, but as a Person.***

We strongly believe that the better we know you, the more effective we are in helping with your needs. As recruiters, we came into this profession because we love working with and helping people. Almost all of our recruiters are attorneys who left practicing law because they simply preferred talking to fellow attorneys about their careers and issues that were more personal in nature. Talking to people is our passion, and if it weren't, we would not be able to spend hours upon hours speaking to and helping you with one of the most important transitions in your life. While we certainly need to know your professional story (e.g., why you are looking for a new position, your professional experience, etc.), we also enjoy getting to know you as a person as well. For example, what do you like the most in your practice? The least? Why did you decide to practice law? Why are you continuing to practice law? Who is your inspiration? Were you the first person in your family to attend law school? What makes you unique? Is there anything else going on in your life that will affect your search? What is the biggest challenge you are facing in your career? This deeper level of communication is extremely helpful for us.

#### ***If possible, try to meet your recruiter in person.***

If you are in the same city as your recruiter, meeting face-to-face-whether for a cup of coffee or in the office for a more formal meeting-can only help the process. We find that when we meet

our candidates in person, it is much more conducive to developing stronger, more trusting, and overall more successful relationships that yield more positive results.

***Information that you think hurts you may not always be as bad as you think.***

Candidates are often surprised to learn that what they believe are deal-breaking black marks on their resumes may be more common than they think and can often be explained to the firm's satisfaction once we are able to hear the story and learn the truth of the entire situation. The worst thing a candidate can do is try to withhold or omit important information because, in accordance with Murphy's Law, the information will eventually be found out, and the damage caused from withholding of the information is often much greater than the damage that would have been caused by simply providing the information up front.

***It is okay to brag about yourself.***

One of the significant advantages of using a recruiter is that a recruiter can showcase and brag about you in ways that you can't. Although you may feel slightly uncomfortable if we ask you to highlight your achievements and all the positive things you've done, this type of information gives us the tools to highlight your key strengths to law firms. Tell us about all the positive praise and comments you've received; show us all of your letters of recommendation; tell us about all your achievements and all those other things that make you secretly so proud. Don't worry, we won't think you're conceited; and the firms will appreciate knowing this information.

***The more we know about your entire job search, including where you have applied in the past, the better we will be able to help you.***

One of the first questions we ask our candidates is "Where have you applied in the past six months?" There are several reasons we ask this important question. First, as noted above, we want to be absolutely sure to steer clear of any firms you have already contacted directly within the past six months.

We've seen candidates who feel hesitant to let us know that they may be looking for jobs in several cities at once or that they have already applied to several firms on their own or through another recruiter. Don't worry about it. We know that there are many different options when it comes to a job search, and we have been in your shoes ourselves. However, letting us know everywhere you have previously applied (for at least the past six months) will help ensure that we do not submit you to a firm where you have already applied. In short, the more information we have about your situation, the better we are able to help you through the process.

***Take advantage of your expertise and be open and honest with us.***

We are experts in helping attorneys find jobs. We love to answer questions and provide guidance. While you are busy writing briefs, we are researching the market. Take advantage of what we know and what we can share with you. Don't be afraid to ask questions you may think are obvious.

Also, if you have certain specific expectations that are important to you, let us know. And if we are not meeting your expectations in any way, please let us know that as well. Working with a recruiter is a two-way relationship-it requires open communication, honesty, and clearly defined expectations.

***Stay in contact with your recruiter.***

Your job search is an extremely important time for you. When you are working with a legal recruiter, everything about what the legal recruiter is doing for you is about you. In addition, your job search is an important life event for you. Because you are in the midst of an important life event, it is important that you are always communicating with your legal recruiter at all times.

Many candidates sit around and wait for their recruiters to contact them. While no one likes to be bothered unnecessarily, you need to realize that your legal recruiter works for you. Because your legal recruiter works for you, it is important that you provide your recruiter the direction he/she needs in order to do his/her job as effectively as possible. In most cases, this will mean letting the recruiter know what you are feeling and thinking about your job search at all times.

Most of our recruiters work extremely hard. In fact, the majority of our recruiters work between 10 and 12 hours a day. While our recruiters devote time to all of their candidates, candidates with more pronounced immediate needs are generally going to receive the majority of the recruiter's time first. What this means, however, is that a recruiter must know the urgency of your particular job search.

As recruiters, we have worked with numerous types of candidates. Some candidates may decide they are not in a hurry to move, but will consider better offers if they come along. Other candidates are in a hurry to move and want to get out of their present employment situations immediately. Some candidates are in between. In order for recruiters to do their jobs as effectively as possible, it is important that you stay in touch with them at all times and let them know precisely what is going on with your particular situation and your desire to pursue more firms, for example. Legal recruiters are not mind readers and may need to be prodded at times if your job search increases in urgency.

### ***Respect your legal recruiter.***

Attorneys have different views of legal recruiters. Some attorneys realize and understand that legal recruiting at its very highest level is something that merits a great deal of respect. Other attorneys have different views of legal recruiters based on prior bad experiences. While the point of this article is not to convince you that legal recruiting is a serious profession, you do need to understand that it is important that you respect your legal recruiter. Your legal recruiter is in an advisory role that will have an effect over the course of your career.

Throughout the years, we have seen numerous types of personalities of different attorneys. We would estimate that more than 95% of the attorneys we have worked with have been absolute pleasures to work with. However, occasionally, the rare personality comes along that will lie, withhold important information, or even be blatantly disrespectful. The same rules of decorum that govern your other professional relationships should also be found in your relationship with your legal recruiter, because they work to your advantage. When you respect your legal recruiter, he/she will feel empowered to exert a great deal of effort on your behalf and enjoy doing so. No one likes to feel disrespected, and this includes your legal recruiter as well.

### ***It is important to do what you say you are going to do and say what you mean.***

Every time a legal recruiter takes on a new candidate and submits that candidate to a law firm, the legal recruiter's credibility is on the line with the law firm he/she is submitting you to.

Most of our legal recruiters are speaking with law firms in major cities on a daily basis. When a legal recruiter is representing you, his/her job is to assist firms along in making hiring decisions. Accordingly, positive information you may share with your legal recruiter about a given firm or interview will likely be passed along to the law firm. If you are not telling the truth about this sort of thing, you risk harming the credibility of your legal recruiter.

In addition, if you go into your job search with the objective of achieving a certain result and decide later that you no longer want that result, you should share this information with your recruiter so that your recruiter's credibility is not unnecessarily harmed.

## **Conclusion**

Now that you know how to choose the best legal recruiter for your needs and how to maximize the effectiveness of working with that recruiter, you should be confident that your chances of landing your next position will increase significantly. Good luck!

## DO RECRUITERS JUST MASS MAIL RESUMES?

### 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 this: What is the most effective way for a recruiter to make a submission?

Many people believe that recruiters simply mass mail resumes 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 who 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 from those required to be an attorney.

While just about anyone who 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 explain. 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.



## 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 newspapers of the cities 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 to discuss their markets. 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.

As a group, BCG Attorney Search recruiters generally write 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 more than 800 law firms. There are only a few legal-recruiting firms in the United States that attend this event.

While none of these activities 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 unique to them, and how they incorporate this knowledge into their recruiting styles 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 resumes. 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 he/she is doing this with your firm, he/she is probably doing it with other firms as well.)

In your initial contact with the legal-recruiting firm, the legal recruiter will make the determination of whether or not he/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/she believes you are likely to benefit from his/her 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 as to 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 determines whether or not he/she feels 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, he/she 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 gets 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 You Are Accepted as a Candidate, the Recruiter Will Decide Which Firms He Will Present You

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 he/she wants 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 important, 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/her 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 it wants to hear and those it does 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 from 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 marketplace. Most BCG Attorney Search recruiters identify their roles as being quite similar to practicing law. They will tell their candidates about 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 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-10 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 he/she wants 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 nine firms, it is the candidate's choice.

There are a couple of forces at work here that 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 him/her. 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/she will be very cognizant of his/her own reputation. Therefore, a good recruiter will likely want you to carefully choose the law firms you are interested in.

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 too many firms.

If the recruiter is sending you to too many firms, he/she is likely doing this for a reason as well. In some practice areas-such as litigation, intellectual property, and corporate-firms are

often mercurial and difficult to read in terms of whom 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 often use random-seeming hiring criteria (I knew someone in college who was admitted to only one top-20 law school-Yale), and 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/she 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 who 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 his/her job through no fault of his/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 his/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 candidate that is most likely to be the most problematic 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/her own to small, generally less prestigious law firms that do not use recruiters and gets interviews, the candidate thinks he/she had issues with the more prestigious law firms because of the recruiter. This is not the case. It is always going to be more difficult 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/she is submitted to. The recruiter is an advisor and counselor, but not the ultimate arbiter of the firms the attorney applies to. When a recruiter is recommending firms, he/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.

I would be remiss if I did not mention that there are 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 he/she suggests to you. If he/she simply provides you a list of firms and does not appear to understand you and your particular motivations, something is seriously wrong.

### **What a Recruiter Does When She/He Submits 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 effect on whether or not you get a position.

While the recruiter is interviewing you, he/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/she can. Once this process is complete, he/she 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 summaries 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 chosen recruiting firm.

The presentations we send out to law firms may be sent in several ways. One way is by mailing them 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), 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 print our submissions and candidates' resumes on high-quality stationery 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 done, but if it can be done better (as 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 and will simply fax your resume to firms. In some respects, this is the norm. The quality of the submission made is paramount.

### **What a Recruiter Does After He/She Submits You**

After a recruiter submits you, he/she generally begins 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 great 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.



## WHAT MAKES A WORLD CLASS RECRUITER

### Introduction

The purpose of this essay is to address the question of what makes a world class legal recruiter. The answer to this question is identical to what translates to an exceedingly high level of success in any profession.

### 1. Those Who Do One Thing Well and Those Who Do Many Things

#### A. The Fox and the Hedgehog

The Greek poet Archilochus wrote: "The fox knows many things, but the hedgehog knows one big thing." Isaiah Berlin's famous essay "The Hedgehog and the Fox" based on Archilochus' writing analyzes the differences between foxes and hedgehogs. Berlin believed that people in the world can be classified as either foxes or hedgehogs.

In the fox and hedgehog parable, the fox is always trying to get the hedgehog. Day after day, the fox is in pursuit of the hedgehog devising one method after another to try and catch the hedgehog. The fox is, by all appearances, a highly intelligent, crafty and resourceful creature. Indeed, compared to the rather dull hedgehog, the fox appears to have every advantage. The hedgehog is a small awkward animal that lives a simple life and spends his days taking care of his den and finding food. Each day the fox tries a new scheme to catch the hedgehog and each time the hedgehog simply bundles up into a ball of sharp spikes-foiling the fox's attempts.

Berlin believed that foxes "pursue many ends, often unrelated and even contradictory, connected, if at all, only in some de facto way, for some psychological or physiological cause, related by no moral or aesthetic principle." As a consequence of this outlook, foxes "lead lives, perform acts, and entertain ideas that are centrifugal rather than centripetal, their thought is scattered or diffused, moving on many levels, seizing upon the essence of a vast variety of experiences and objects for what they are in themselves, without consciously or unconsciously, seeking to fit them into, or exclude them from, any one unchanging, all-embracing, sometimes self-contradictory and incomplete, at times fanatical, unitary inner vision."

In contrast, Berlin believed hedgehogs "relate everything to a single central vision, one system less or more coherent or articulate, in terms of which they understand, think and feel - a

single, universal, organizing principle in terms of which alone all that they are and say has significance...."

## B. Have You Ever Known Any Hedgehogs?

Jim Collins, a noted management theorist and a former professor at Stanford Business School, discusses the concept of the hedgehog and the fox based on Berlin's famous essay in his book, *Good to Great. Why Some Companies Make the Leap and Others Don't*. Collins notes the conclusions reached from Berlin's essay by Princeton professor Marvin Bressler during his interview with him:

*"You know what separates those who make the biggest impact from all the others who are just as smart? They're hedgehogs." Freud and the unconscious, Darwin and natural selection, Marx and class struggle, Einstein and relativity, Adam Smith and the division of labor-they were all hedgehogs. They took a complex world and simplified it. "Those who leave the biggest footprints," said Bressler, "have thousands calling after them, 'Good idea, but you went too far!'"*

*To be clear, hedgehogs are not stupid. Quite the contrary. They understand that the essence of profound insight is simplicity. What could be more simple than  $e = mc^2$ ? What could be simpler than the idea of the unconscious, organized into an id, ego and superego? What could be more elegant than Adam Smith's pin factory and "invisible hand"? No, the hedgehogs are not simpletons; they have a piercing insight that allows them to see through complexity and discern underlying patterns. Hedgehogs see what is essential, and ignore the rest.*

As a young attorney, I spent approximately one year working almost exclusively for a partner who never lost a case. This partner also had the reputation for burning out associates very quickly. While I could spend considerable time dissecting how this attorney operated, the simple fact is that the only thing that mattered to this attorney professionally was ethically winning every case he took. Everything else was unimportant.

A case would generally start with this attorney being given a fact pattern which seemed insurmountable (these were the types of cases the attorney generally got). The reaction of most attorneys would be to settle the case after a few short hours of research. But this attorney I worked with refused to give up. He would keep pushing. Every single aspect of the case and the law would be questioned. We would pull every legislative record if necessary to determine if the law was really being implemented the way it should be (even if there were thirty-plus years of case law on the books working against him). This fanatical focus and attention to detail was carried to its farthest extreme. This push could go on for months or even years.

Most associates dealing with this type of push could simply not deal with it; however, after countless 250-hour months researching the seemingly inconsequential and questioning the truth—something would emerge that would enable this attorney to win the case. It always worked that way.

Another great attorney I know, who is considered to be one of the top lawyers in America, once told a client in my presence: “If I take this case, I will eat, sleep and drink this case. It is all I will think about.”

And that is the essence of the hedgehog as I see it. Any person or group of people that are able to achieve greatness in any calling generally do one thing and are focused upon doing one thing as well as it can be done.

Many people and organizations go through their existence trying many different things and pursuing many different goals. Their thinking abilities in this regard are often flawed, in our opinion.

Truly stellar law firms and truly exceptional attorneys also tend to be hedgehogs. The firm Wachtel, Lipton, Rosen & Katz, for example, has made its name doing essentially one thing. Conversely, the vast majority of law firms in the country have far lower profits, but practice in various other areas of the law. Wachtel’s profits per partner are also higher than any other similarly-sized firm in the world because they are so dedicated to their practice that they have developed a reputation as the best.

The top partners in the best law firms also tend to be hedgehogs that do one thing really well. They are quite focused on their careers and serious about what they hope to achieve. Few of these partners probably dreamed incessantly about going in house when they were associates, for example. They were focused upon the here and now and doing the best at what they do.

The funny thing about the hedgehog is that when people around the hedgehog are constantly questioning their organization’s methods, or finding fault in everything that is going on around them, the hedgehog remains focused on the task at hand. Only one thing matters to hedgehogs and they are resolutely focused to the exclusion of all external stimuli.

## 2. A World Class Legal Recruiter Does One Thing

At its essence, the difference between a world class recruiter and an average recruiter can be related to the distinctions between the hedgehog and the fox. In order to succeed as a legal recruiter, a legal recruiter needs to be concerned about one thing and one thing only: Getting their current and future candidates the job they want. Everything else is superfluous.

### A. Barriers to Becoming a World Class Legal Recruiter

In order to do what you do well, you cannot be doing multiple things at once. You also can not look for shortcuts and you simply should not be doing anything you are not 100% committed to.

In the field of legal recruiting, there are many substantive obstacles to someone becoming a good legal recruiter. We believe these obstacles are: (1) being able to make a commitment to being a legal recruiter at its highest level, (2) the amount of time and effort it takes to truly become an expert on the legal market, and (3) the requirement to be good at developing relationships.

### A Successful Recruiter Must Have a Commitment to Being a World Class Legal Recruiter

At its highest level, legal recruiting is a very sophisticated and serious business. While the average legal recruiter makes less than \$100,000 a year, there are a small handful of legal recruiters in the United States (less than 10, I believe) who make well over \$1,000,000 a year. These recruiters move around practice groups, important partners, some associates and occasionally are instrumental in merging entire law firms. These recruiters also can call the managing partners of large national law firms and get through right away. As professionals, these recruiters are given a high degree of respect because they can literally influence the future of entire law firms. At BCG Attorney Search, we have recruiters who operate at this level and are involved in single transactions with law firms where the placement fees may exceed \$250,000.

There is a contrast to recruiting at its very highest level, however. Many people go into legal recruiting for a variety of reasons. When I started legal recruiting several years ago it was my perception that the great majority of legal recruiters were not bringing the high level of focus needed to truly excel in this business. As an attorney with a good pedigree that once sought out the help of a legal recruiter, I was astonished that in dealing with what was once ranked as one of the top legal recruiting firm in the United States, my recruiter did not even have a formal office. Moreover, I would frequently reach my recruiter in the middle of the work day on her cell phone when she was doing such things as buying a dress.

For some attorneys, there is no such thing as a good legal recruiter. There can't be. It's a totally incongruous concept. A myth — or at least an oxymoron. They've been burned in the past or have heard horror stories from others. Simply mention the word "recruiter" and some are struck by a flash of dark staccato images and the sounds of knife-screaching string music: sharks circling the waters, vultures converging on a fresh carcass, sweaty garage offices with men in short-sleeve shirts making cold calls at dinner-time.

Does this sound any different than how the general public perceives lawyers in general? It should not. The dichotomy is simply due to the fact that most people have not been exposed to legal excellence, just like many attorneys have not been exposed to "recruiting excellence". We do believe that some of the public perceptions of legal recruiters are accurate - just as they are for attorneys in general - but they should not be taken as universal truths.

When it's done well, the business of legal recruiting is a truly indispensable service to the legal community. Some legal recruiters work with the best attorneys in the country and make placements in the world's top law firms on a daily basis.

As I examined the legal recruiting profession, I quickly noticed that there also appeared to be no organization in the profession and very few legal recruiters even truly knew the type of work their candidates did. Most recruiters did in-house placements, law firm placements and would even place legal secretaries and paralegals when they could. Some legal recruiters even placed executives in corporations. In short, these recruiters would do whatever they could do to make a fee.

When I questioned these recruiters about why they did what they did, the response generally had something to do with the fact that they believed the money was good and that they were people persons.

This is not to say that all recruiters are like this, because they are not. However, for the most part the legal recruiting profession has not benefited from the high degree of respect that characterizes many other professions. In addition, I believe there is somewhat of a bias in this country-which is largely a product of the fact that most attorneys are so solidly middle class-that makes most attorneys believe that they must practice law to have respectability in society. Anything less would be extraordinarily wrong, and therefore recruiting is seen as taking the easy way out with your law degree.

Accordingly, it is not really a surprise then that many legal recruiters went into the profession of legal recruiting with a feeling that they are doing so because they have somehow failed in the practice of law. Indeed, one of the first legal recruiters on record was someone who went to an unaccredited law school in California and could not pass the bar exam after numerous attempts. Therefore, the job of a legal recruiter—even at its outset—was something associated with somehow failing and not making it into the middle class ideal of a steady job.

I am not faulting the way this system works. Indeed, this is generally how most of the world works. This same analogy could probably be carried over to law firms. Not every young attorney is good enough to get into Wachtell. Not every young attorney is good enough to get into an AmLaw 100 law firm. Some attorneys do personal injury law—others would not dream of it. This sort of class system is all around us and pervades the profession.

However, the lesson I learned from talking to recruiters while practicing law is that very few were committed to practicing the art of legal recruiting in the same way I had been taught to practice law. Far from being true advocates for their candidates and pushing their expertise—and questioning everything about the attorney job search process to reach true levels of excellence—most recruiters were simply happy to be doing something that they enjoyed and that they did not regard as particularly taxing.

When I started legal recruiting, I worked seven days a week at it. I routinely started work at 5:30 in the morning and worked until at least 10 or 11 pm seven days a week. I am often so happy when my candidates get offers that I get choked up for them when they do. I have invested—and continue to invest—millions of dollars into making BCG Attorney Search the best it can be and have done my absolute best to translate my vision of the way it should be throughout the country. Indeed, I am so driven by the need to change how legal recruiting is done that I am and have always been—by far—the lowest paid recruiter at BCG Attorney Search. Literally, everything that I have had available has gone into reinvestment to make BCG Attorney Search the best in the world at what it does. I have done all this because I know that being exceedingly focused on what I do, and what BCG Attorney Search does, is the only way recruiting can truly be effective.

This is how the legal recruiters who work at BCG are also taught to think about their work. Our single-minded obsession lies in doing what we do absolutely the best it can be done. This is the only thing that matters and it is something we take extremely seriously. Here at BCG Attorney Search, we practice legal recruiting the way we were taught to practice law.

Indeed, a world class legal recruiter takes the business of recruiting as seriously as practicing law. It's true that there are some who "fall" into legal recruiting from dubious backgrounds or the desire for short-term financial gain. Opportunists, part-timers, and former attorneys may try their hand at recruiting as an easy way to make money in the legal community without the stress of hard hours. They perceive it as a break from the working world, a kind of paid vacation. There are many of these recruiters out there, but as can be expected, they are never very successful, making a limited number of placements a year, if that. They are not dedicated and soon move on to something else.

The idea that legal recruiting is a break from the practice of law is about the most foreign concept imaginable to BCG recruiters. A good recruiter has chosen the recruiting industry as his or her profession. It is not a safety catch — it is the focus of their career. For them recruiting is a unique alternative to practicing law, but an alternative just as challenging and demanding as any in the legal profession. It is a place in the legal community to be innovative and to work at the highest level of the profession. It is this drive that pervades their work on a daily basis. To a good recruiter, recruiting is a powerful and essential industry in its own right.

### **A Good Recruiter is an Expert in the Legal Market**

In Los Angeles County alone, there are over 3,000 law firms. Then, there are an additional 5,000+ companies that hire attorneys. These numbers grow exponentially as one covers the United States. In order for a recruiter to get a candidate a job, they need to know where the jobs are and also where their candidates are likely to be good fits. This is an extraordinarily difficult task. Indeed, it requires a profound amount of knowledge for the recruiter to be able to do their jobs well.

Recruiters must be the experts on the legal market. Candidates look to recruiters as the ultimate source of information and knowledge on virtually every issue that affects their career. A good recruiter follows the legal market on a daily basis with the same diligence that a stock broker follows the stock market, perhaps even more so, because the legal market does not close for the day at 4:00 pm. Law firms are dynamic businesses, and it takes a smart and energetic personality to stay ahead of the issues of the day.

However, when you think about how most recruiters operate, you may wonder how a recruiter in Los Angeles could possibly monitor over 3,000 law firms, for example. This is especially true if the recruiter is also doing in house placements. How could a recruiting firm



comprised of even two or three individuals possibly monitor all of this activity? Meanwhile, firm names change, hiring contacts leave their jobs and so forth, meaning there is even more information to stay on top of. Accordingly, the answer to this question is that most legal recruiters do not even bother.

Since most legal recruiters do not monitor the entire spectrum of the market, they generally monitor only a few firms. The firms they monitor are also, incidentally, ones you have almost certainly heard of. In addition, they also have a few key relationships, which can limit their effectiveness in finding a job for a candidate who may not be a good fit with the contacts he or she does have.

At BCG Attorney Search, we have divided up the United States into numerous regions and stationed recruiters in different parts of the country because it is our belief that it would be impossible for a legal recruiter to know what is going on in different areas of the United States at one time. More importantly, we only do law firm placements. Making in-house placements would simply make it impossible for us to monitor all the potential jobs in a market. Each recruiter is charged with the large task of becoming an expert on his or her region so that we can successfully represent our clients anywhere in the country. It requires many hours of work outside of the regular recruiting work they already do, but our recruiters are willing to put in these hours to better benefit our clients.

### **A Good Recruiter is an Expert in Developing Relationships**

While good recruiters are serious about the business of recruiting, they can hardly be characterized as serious people. That would contradict the nature of the profession. A good recruiter must be genuine and sociable, someone who can easily gain a person's trust and attention. This is not to say that a good recruiter is a "yes-man," someone who tells candidates exactly what they want to hear, yet fails to deliver on their promises. (Unfortunately, there are plenty of recruiters who operate like this.) But a good recruiter, rather, is something of an idealist. They are also creative enough to find solutions that go beyond the obvious and can open new doors of opportunity. They believe only in the right job for the right candidate; there is no settling for second-place. If a candidate can find the perfect job by using another recruiter, then a good recruiter is happy for them all the same because the candidate's goal has been satisfied. The money will come sure enough — it's the reward for doing good work —, but the real driving force is always on making sure the candidate finds exactly what they are looking for.



Therefore, the heart of good recruiting lies in the relationships that a recruiter is able to develop with his or her candidates. A recruiter can be everything from counselor to advisor to administrative partner to friend and even therapist, in some cases. For each candidate the recruiter is above all an advocate, one who is deeply trusted. He or she is the voice that speaks on behalf of the candidate and is able to communicate their strengths, experiences, and intelligence in a bold and concerted effort to advance their professional life. A good recruiter brings out the best in a candidate and inspires them to greater success.

Recruiters must also connect deeply and consistently with the employers they work with. Legal employers look for recruiters who understand their law firm as well as they do, including, but not limited to, the caliber of attorneys they employ. Recruiters must be able to immerse themselves in the culture of each law firm to ensure that they are knowledgeable and up-to-date in all levels of the firm's business and practices. To do this well, many successful recruiters choose to focus on a particular niche of the industry. Others may work with only a few select law firms where they are able to develop lasting relationships. For these law firms, the recruiter becomes a valued and trusted hiring partner.

## CONCLUSIONS

At BCG, we strive to be the leaders in the recruiting business, and every aspect of the company has been carefully designed to support this goal. BCG recruiters are trained professionals with strong backgrounds who take their work very seriously and are committed to long term careers in the industry. No one knows the legal recruiting business as well as we do, and BCG as a company is organized so that each recruiter can focus on one thing: finding the best possible jobs for their candidates. To ensure our recruiters can devote all of their time to this end, BCG employs a complete support staff that supervises and executes all of the production and editorial aspects of the business according to the direction of the recruiters, everything from the research of firms and market trends to resume writing and proofreading to the production of application materials.

At BCG, we are very selective in choosing the candidates we work with. Because our recruiters are committed to giving each candidate the maximum amount of time and personal attention, we can only work with a limited number of applicants, and therefore we recruit and choose only those candidates who we feel we can help the most. We work with thousands of the country's top-performing law firms (and countless others you may not have heard of), and we have a very high success rate in making placements for our candidates. It's a testament to the strength of the relationships we develop that many recently placed candidates will refer their human resources departments to us when their law firms are looking to hire new attorneys.



In the end it is not up to us to decide who and what makes a good recruiter. It is up to you, the candidate. At BCG, we have surrounded ourselves with the brightest and most dedicated people in the profession and we have the best resources available to help serve your career. But our job is never the same; it depends on you. We've helped thousands of candidates find attorney jobs in many of the best law firms in the country. And while experience is one of the most important measures of success, a good recruiter knows that they're only as good as their next placement. Where would you like to work?

You see, the lesson here-and the lesson of the fox and the hedgehog-as I see it, is that you need to do what you do and be willing to do it as well as it possibly can be done. Working with a single-minded goal helps the hedgehog consistently thwart the fox's plans and it helps BCG Attorney Search consistently find law firm jobs for more attorneys than any other legal recruiting company in the world.

## THE BENEFITS OF A RETAINED SEARCH

Here are several methods that law firms typically use to make acquisitions at the partner level. These methods are as follows: (1) waiting for candidates to approach them (either through contingency recruiters or otherwise) or (2) retaining search firms to assist them with these acquisitions. Out of the two methods, the one means that law firms universally find to be the most effective is the retained search.

### **A. Law Firms May Wait for Partner-Level Candidates to Approach Them (Either through Contingency Recruiters or Otherwise)**

This is the most common way for law firms to make partner acquisitions. At most points in time, major law firms are considering a wide variety of candidates who have approached them on their own or through contingency-based recruiting firms.

#### **1. Partner-Level Candidates Will Often Approach Law Firms without the Involvement of a Recruiting Firm**

Most major law firms receive resumes on a fairly continuous basis from partner-level candidates seeking to move. These applications naturally fall into two types: (i) the sorts of resumes law firms want to see and (ii) the sorts of resumes law firms do not want to see.

The sorts of resumes law firms most often do not want to see are those that come from partner-level attorneys who are out of work for whatever reason. Many of these attorneys may have gone in-house at some point in their careers and now want to return after having lost their jobs. Other partner-level attorneys may have minimal business (or none at all) and be working at law firms that are no longer in need of service partners. There are very rare cases where law firms are interested in seeing these sorts of resumes (for example, there was a tremendous demand for corporate service partners during the period of 1998 to mid 2000); however, for the most part, law firms are not interested in these sorts of resumes.

These resumes are typically littered with statements about past accomplishments and often make references to a business plan the given partner will have that will produce results if he/she is hired. While most law firms look upon these sorts of resumes with extreme suspicion, I can tell you that I personally have seen several partners rebuild practices after a hiatus from a business- and income-producing partnership role in a law firm. This is not the norm, though.

The sorts of resumes that law firms want to see are often those that are generated by partners in their own firms. The partner may know someone at another firm who is unhappy for whatever reason or needs a better platform for his/her business. If this partner has a substantial amount of portable business, then that resume will be sure to garner the attention of a partner. There are some mid-sized to smaller law firms that are very effective in soliciting resumes directly from outstanding attorneys. This is very rare as well.

The reason that the most desirable attorneys do not typically contact a law firm directly is because they have too much to lose. Emailing a resume or even making a phone call sends a very clear signal of weakness to the hiring organization. It is also something that most partners with substantial portable business are very unlikely to do. Without any proactive courting, if a partner contacts a firm directly, he/she has no way of knowing how he/she will be received. He/She also may feel that he/she is risking his/her own law firm's finding out about his/her search. Accordingly, such direct contact is quite unlikely.

In many cases, a partner interested in moving may be very good friends with a partner at another firm that would be an outstanding fit for him/her. His/Her friend may never learn he/she is interested in moving at all until the move has actually occurred. Rather than risk telegraphing any weakness-or simply because it is embarrassing to do so-this partner may never telegraph his/her interest in moving. Even worse, of course, would be if the given partner telegraphed an interest in moving to his/her friend, and then the friend's firm turned him/her down. And for the record, this sort of thing happens quite often.

## **2. Partner-Level Candidates Will Often Approach a Law Firm through a Contingency-Fee Recruiter.**

Scattered throughout major cities in the United States are numerous contingency-fee-based recruiters. These recruiters typically make their living in two major ways: (i) They cold-call attorneys and hope they find ones that are interested in moving, and (ii) they simply "lie in wait" for attorneys interested in moving. Both methods can be quite effective for the recruiter. The issue is whether or not these methods are effective for the hiring organizations.

The recruiters who spend their time cold calling may often do so quite aimlessly. This is especially the case when it comes to partner recruiting. For the most part, a partner-level attorney with a substantial book of business will be quite marketable. Law firms are, after all, businesses and need business in order to function. Certainly, things like culture and fit have places in these sorts of hiring decisions, but you need to understand that the amount of business a given partner has is of the most importance.

When cold calling/recruiting partners, recruiters will often simply call a partner to try to gauge if he/she has any interest in perhaps exploring other opportunities. In the contingency-fee environment, this is not always the most effective method for the recruiter to go about a search, and the recruiter will be missing a great number of (potentially) viable candidates.

When a recruiter calls a partner-level attorney, he/she generally has 15 seconds or less to interest the partner in speaking with him/her further. In the contingency-fee-based recruiting situation, there is not a lot the recruiter can say. For example, if he/she is calling the head of a practice group of a major law firm with \$3,000,000 in portable business, simply stating that a given law firm is seeking a partner with portable business is not really enough to start up a conversation. Of course, the given law firm is seeking a partner with \$3,000,000 in portable business! Isn't every law firm!?

This recruiting method can work. The partner may get called at the right time. The given recruiter may have a particularly strong message or sales ability. The partner may have been working unsuccessfully with another recruiter. Who knows? The fact is that it can work.

The more effective type of contingency recruiting is typically built on the maintenance of substantial and meaningful relationships over a long period of time. There are several "low-key recruiters" out there who have typically done nothing but contingency-fee-based partner recruiting their entire careers. These low-key recruiters are akin to "chat boxes," and it is for that reason I call them "chat-box recruiters."

A chat-box recruiter will typically do almost no advertising and most often will simply work out of his/her house. His/Her methodology may look simple, but when you look at it in detail, it can tend to be quite complex. The chat-box recruiter will have a very good understanding of the legal market and will typically call hundreds of partners in a given city each year. He/She will impart information with each phone call, ask questions about the partner, and get a very good understanding of the partner's practice and level of business.

The chat-box recruiter almost functions like a high school or college guidance counselor in that he/she always knows what is going on with the partner's professional life. If he/she sees an article about the partner, he/she will let the partner know he/she saw it and send him/her a congratulatory note. Unlike other recruiters, who may simply appear on the scene trying to make a quick placement, the chat-box recruiter views his/her profession as something he/she is in for the long haul. He/She does not care if he/she ever places the partner. He/She does hope, however, that he/she will at some point in the partner's career.

The benefit of what the chat-box recruiter does is build relationships. A level of trust is established over several years (or even decades) that puts the chat-box recruiter at the forefront when a partner decides he/she may be interested in moving. The chat-box recruiter also functions as a career advisor and connection for the partner to the market at most points in time. Because of this role, the chat-box recruiter is also likely to get called when the partner does contemplate a move. In addition, if the chat-box recruiter learns of a particularly good opportunity and calls the partner with this opportunity, the partner may often feel obligated to go out on the interview, even if he/she is not particularly interested in moving. A lot of placements happen (that probably should not be happening) each year in this way.

Another way that contingency-fee-based recruiters get candidates is by candidates' simply approaching them directly. This is actually more common than you might believe. If a recruiter does an outstanding job branding him/herself as a partner-level recruiter through advertising, extensive networking, and a history of high-profile placements (or combination thereof), then he/she may soon run a very successful partner-level recruiting operation with very little actual cold calling. Indeed, entire law firms or significant practice groups may approach these recruiters and recruiting firms from time to time asking the recruiter to help them move.

When a significant partner, practice group, or even law firm approaches a contingency-based recruiter, it is doing so because it needs confidentiality, research, and the expertise that the given recruiting firm can offer it. From the standpoint of the group's moving, this is often a very good choice and the way to go about the move. From the recruiting firm's standpoint, it could not be happier.

It should be obvious, however, that from a law firm's perspective, the "waiting" method of recruiting partners is not likely to be the most successful. The law firm has no guarantee that a recruiter will send it his/her best partner-level candidates. The recruiter has also not typically been briefed enough on the unique selling points of the law firm. In addition, the recruiter may have absolutely zero allegiance to the law firms he/she is presenting a given partner to. For these reasons and many more, the retained search is by far the most effective method for law firms to build their partner ranks. The retained search and its unique advantages are explored below.

## **B. Why a Retained Search is by Far the Most Effective Method for a Law Firm to Build Its Partner Ranks**

In its most simplistic form, a retained search is nothing other than an economic exchange built upon the promise of exclusivity for a given period of time. A recruiter will typically take a set

fee from a law firm in exchange for an exclusive (typically at least \$30,000). In exchange, the recruiter will agree to work on a search for the law firm for a given period of time and only refer candidates it generates while working on that search to the given law firm.

As a hypothetical, consider a firm that is looking to open a branch office in a new city. In pursuit of this goal, it may retain a recruiter by paying him/her \$50,000 to work on a search for the firm for a minimum of 16 weeks. During that period, the law firm will agree not to work with contingency recruiters for the same search, and the recruiter will agree not to refer candidates that are generated as a product of that retained search to another law firm.

The benefits of the retained search become immediately evident (1) prior to the recruiter's commencing the search, (2) when the recruiter starts recruiting for the position, and (3) when the law firm begins interviewing prospective candidates.

### **Step 1: Beginning Partner Search**

The second the recruiter receives the \$50,000 retainer check for the search, the benefits of the retained search begin. By paying a retainer fee to the recruiting firm, the partnership of the law firm has immediately telegraphed a message to the recruiting firm (and the candidates the recruiting firm will tell that it has been retained to fill a search) that the law firm is serious about making a lateral-partner hire.

Every legal recruiter out there can tell stories of partner candidates that he/she has represented being left in limbo for months-or even years-while a given law firm makes a decision of whether or not to hire them. In almost every case where there is this level of indecisiveness, the recruiter has not been working on a retained search and has, instead, been doing a contingency search.

The reason for this limbo state has to do with the fact that many law firms experience a great deal of difficulty getting management to agree to make a lateral-partner acquisition. This problem is due largely to the fact that there will be partners in the firm who are not committed to growing a certain practice area. In other cases, certain partners in a law firm may be threatened by bringing on someone that is seen as a competitor. There may be issues with how well a certain partner's clients mesh with the firm. The list is almost endless.

Recruiters and their candidates do not like this limbo state and want to avoid it. This limbo state is almost universally caused by a lack of management buy-in. If there is management buy-in, the recruiter and his/her candidates are going to be much more likely to be effective on behalf of the given law firm.

The recruiter will typically commence his/her search by meeting with the law firm he/she is doing the retained search for. When the recruiter meets with the law firm, a good recruiter will have numerous questions for the law firm. In most instances, the recruiter will try to meet with the managing partner of the law firm. Some of the more important questions the recruiter will have are:

- Why do you need to be in this city (if applicable)?
- Why do you have a need for a partner in this particular practice group?
- Who are your most significant clients in the city?
- Do you represent insureds, insurers, or tobacco companies?
- What are your partner and associate billing rates?
- How many equity and non-equity partners are in the firm?
- What are the average profits per partner?
- What is the history of your need for this particular search?
- What attorneys outside your firm have you talked to about this opening so far?
- What are the problems with your law firm that other partners in the community might know about?
- What are your strongest practice areas?

The list of potential questions that a recruiter will have for the managing partner of the law firm will, in almost all cases, mirror the exact same questions that potential candidates will have for the recruiter when the recruiter calls. If the recruiter does not know the answers to these questions, he/she will likely be faced with a very short phone call, and his/her recruiting efforts will be unsuccessful.

Most often, these questions cannot be answered by contingency-fee recruiters because they cannot have the same access to the law firm that a retained recruiter can. This is precisely the reason that most contingency-fee recruiters experience very little success in their searches.

As a recruiter, I have taken countless phone calls from law firms seeking to grow their partnership ranks. These same firms are often calling multiple recruiting firms with the exact same requests and acting as if the recruiting firms should respond with vigor to these requests—even in the absence of a retainer. This rarely happens. The reason is because the recruiter has no incentive to grill the firm about the necessary questions because knowing other recruiters are likely to be working on the same search makes him/her less inclined to be willing to devote the time and energy it takes to find a suitable partner.



What generally happens in these sorts of situations is that the law firm ends up calling a relatively unsophisticated recruiter, who ends up working on the search without a retainer. This unsophisticated recruiter makes numerous telephone calls around the city and does not have the answers to the partner's important questions and attempts to beat around the bush. The partner is poisoned against the firm because he/she has been approached in such an unprofessional manner. In addition, the partner has no sense of being special or singled out for consideration for a potential position because he/she generally is intelligent enough to understand whether or not a retained search is occurring. The search fails.

Prior to commencing the search, the recruiter will generally do a great deal of research on the law firm's behalf. This research is not all that complicated. The recruiter will simply use Martindale Hubbell to identify the partners from various law firms that are likely to have the qualifications that the law firm is seeking. Most recruiters do this sort of research on their own, and some of the larger recruiting firms have people that will do this for the recruiter.

This level of research does take quite a bit of time, however. A properly done research assignment will take the recruiter at least a couple of days of solid research. Because the search is retained, the recruiter is willing to spend the time doing this research. Once the research is complete, the recruiter is also likely to follow through with contacting the prospects that have been generated by the research.

## **Step 2: Recruiting for the Firm**

Once the recruiter begins recruiting for the position, the benefits to the law firm of having done a retained search become even more profound. Here, as has already been made clear above, the recruiter is far, far more effective than he/she would be in a contingency-based situation.

The recruiter's early targets will generally be a few different types of attorneys. First, he/she will target partners at large established law firms. Second, he/she will target partners at smaller established law firms. Each recruiter has his/her own methodology; however, this is the most common retained method.

### **1. The recruiter will recruit from large law firms**

In targeting partners at large law firm, the recruiter generally has a typical profile of the type of partner he/she would like to recruit. Most law firms will simply ask for a partner with a certain level of portable business. At most large law firms, there are 5- to 10-year partners with

substantial portable business who are without substantial management clout and may indeed work harder and have more business than more senior partners and earn less than these senior partners.

The recruiter's ideal candidate is someone who is "Number 2" in his/her department and butting heads with the "Number 1" person.

Here, the recruiter is looking to exploit a "leaving home" sort of mentality among these mid-level partners. These mid-level partners may feel quite subordinate to more senior management and still feel like they are being treated like associates despite outstanding performance. By studying a given firm roster, a good recruiter can very quickly get a sense of who these people are.

When a recruiter starts making telephone calls, he/she knows he/she is going to have to kiss several frogs before finding the prince. Early calls will be focused on the 5- to 10-year partners. Most recruiters will start making their telephone calls to the very best law firms and work down from there.

The pitch the recruiter will have with these sorts of partners is likely to be quite persuasive. The recruiter will generally start the conversation by introducing him/herself to the partner and stating that he/she has been retained by the firm to assist it in making a serious strategic hire. The recruiter will then indicate that he/she believes the person is a good fit for what the firm is looking for.

At this stage-a minute or two into the conversation-the recruiter generally does not give the partner any information about the firm he/she is recruiting for. The partner will generally ask how the recruiter knew that he/she would be a good potential candidate for the law firm, and the recruiter will generally respond with something to the effect of "It's my business to know you." The early dynamic that is set up with the partner is one in which the partner is meant to feel somewhat flattered and that the call that is coming to him/her is quite serious and meaningful.

If the partner indicates preliminary interest in knowing more, the recruiter will generally try and tell the partner more about the strengths of the given firm and why it represents a significant platform for the partner. Because most early calls will be going to junior to mid-level partners, the recruiter will stress the benefits and growth potential of the law firm he/she is recruiting for offers. This call will generally stress things such as

- The strength of the firm
- The stability of the firm's clients
- The profitability of the law firm
- What the firm is missing and why this partner complements it.

There are, of course, occasions where the partner will jump right at the opportunity once the name of the firm is offered. Usually, though, in order to keep the conversation going, the recruiter will generally close by asking the given partner if he/she has any particular questions about the law firm. The recruiter will make a solid effort to answer all of the questions for the partner, but will not answer them completely. The recruiter's goal is to leave the door open for additional discussions with the partner later on. The recruiter also wants to give the partner some time to think and find fault with his/her existing firm. The recruiter will generally tell the partner that he/she will get back with him/her in a few days with a better answer to one or more of his/her questions and not even request whether or not he/she can call the partner later.

One effective tactic that many partner-level recruiters use in closing these phone calls is to ask the partner candidate one simple question: "Are you missing out on any major business at your current firm?" In fact, most partners with significant business at most law firms are missing out on major business. Perhaps their law firm does not have an IP practice for them to refer IP work to that their corporate clients are generating. In other circumstances, the law firm may not be allowing them to bring in certain business for a variety of reasons.

The important thing from the recruiter's standpoint is that he/she is making the partner aware of the limitations of his/her own firm and forcing him/her to think about this. The recruiter's goal in subsequent calls (and the current call) will be to highlight for the partner ways in which the firm he/she is recruiting for will help the partner generate additional business from existing and future clients.

In most cases, the recruiter will encounter partners who are not at all interested in moving. That is simply the nature of the business. Here, the recruiter is presented with an excellent opportunity to ask if the partner knows of anyone else who may be looking. A good recruiter will simply ask: "Whom would you call if you were I?" Partners show a surprising degree of willingness to help recruiters in this regard, and these referrals often provide the recruiter an excellent "grounded" introduction to further calls. For example, the recruiter may learn whom a given partner referred to him/her represents and aspects of his/her relationship with his/her existing law firm he/she may not like. A good recruiter will build upon this information and use every call as an intelligence-gathering mission to make each subsequent call more effective.

It goes without saying that the recruiter targeting large law firms will also target the “Number 1” partners in the same firms as well. However, from an efficiency standpoint, most of the early recruiting efforts will be geared towards the “Number 2” individuals inside the law firms. The largest issue with the “Number 1” partners in the firms is that they are less likely to be disaffected and have a desire to leave their firms. This does, of course, happen all the time, but it is less frequent.

## **2. The recruiter will target partners at smaller law firms**

The method the recruiter will use in targeting partners at smaller law firms is quite similar to the one above. Here, however, the recruiter may make the “Number 1” partner in a given practice group his/her first priority for a phone call. The issue here will be slight differences in the pitch being used here.

A good recruiter will convey the message that the partner has reached a point where his/her head is now popping slightly out of the tent. She/he has outgrown his/her current firm. The partner has worked very hard at a small law firm and done very well for him/herself. Through his/her own efforts, he/she has groomed him/herself to go to work at a larger law firm and is at the point in his/her career where he/she is ready to take on bigger and better challenges.

One effective method the best partner-level recruiters use is to start talking in terms of the interests of a partner and his/her family. Most partners with substantial business work very hard and justify a lot of this hard work in terms of the lives they want to provide for their families. By speaking in these terms, the recruiter is able to force the partner to focus on larger issues outside him/herself and how comfortable he/she may be in his/her current firm.

## **Step 3: The Firm Interviews the Recruiter’s Candidates**

Once the law firm begins interviewing candidates, the benefits of the retained search become further amplified. In a contingency-based situation, most candidates will enter interviews with little knowledge about the law firm they are interviewing with. They will also know that their relationship with their contingency recruiter is somewhat akin to a real estate agent simply showing them a house. There are a lot of houses out there for them to look at, and the agent may know more about some house than others.

The retained recruiter has already briefed the partner candidate in great detail about the law firm and how the partner would fit in there. Because the questions have been answered, the

partner has also created an idealized version of what it would mean to work at the law firm in his/her mind. The partner's thoughts of moving have also been concentrated directly on that one law firm.

When presented with a partner-level candidate through a retained search, the law firm is very likely seeing a candidate it would never see through a contingency search. The candidate is also likely to be of much higher quality. While it is not always so, it is a well-known fact that the best partner (and associate) candidates are not the ones who are actively looking for positions.

The law firm interviewing a candidate that comes through a retained search is not wasting its time. The candidate is interested. In addition, because the candidate has only been presented to it-and it only-through the retained recruiter, the candidate will not be evaluating the firm against multiple other law firms (as almost always happens with the contingency-generated candidates). The benefits to the law firm in this regard are profound. Before making an offer, a law firm may set up more than 20-30 hours worth of interviews and meetings with a potential partner candidate. If the partner is evaluating numerous potential new homes, this will be a waste of economic resources for the law firm.

### C. Conclusions

The retained search is a far more effective method for law firms to recruit lateral partner talent. While many law firms are happy to wait for candidates to come to them, this is a very risky game. In the largest legal markets, there may be literally hundreds of law firms that are good potential fits for various candidates. When you are dealing with a recruiting firm on a contingency basis, you have absolutely no way of knowing which partner candidates you will see. In addition, while the retained-search method is best suited to law firms in getting the best talent, it is also the method best suited to partners in finding new law firms. Who better to convey the message of your firm's strengths than someone who will speak with every qualified attorney in your market? The retained recruiters will also be very able to answer every question about your firm and not poison the waters in the way a contingency-based recruiter might.

## HOW TO USE A LEGAL SEARCH FIRM

### 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.

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.** 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 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.



ATTORNEY SEARCH

[www.bcgsearch.com](http://www.bcgsearch.com)