



ATTORNEY SEARCH

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THE DANGER OF COUNTEROFFERS

H.E. Palmer, a member of the U.S. forces that settled the West in the second half of the 19th Century, is attributed with having said, "Never put down your gun to hug a bear." Where counteroffers from your present employer are concerned, it's the counteroffer that's the bear. When you have an offer from a new employer in hand, that's your gun. Don't put it down once you have shown it. There is no end to the horror stories about accepted counteroffers I've come across in my years as a recruiter.

Our experience with employees and counteroffers has shown that acceptance is often career suicide. Consider the problem in its proper perspective. What really goes through a boss's mind when someone quits? Consider these thoughts:

- "This couldn't happen at a worse time."
- "This is one of my best associates. If I let him quit now, it'll wreak havoc on the morale of the section."
- "I'm already short-handed in this section. I don't need another loss right now."
- "I'm working as hard as I can, and I don't need to do his work, too."
- "If I lose another good associate, my partners might decide to 'lose' me, too."
- "Maybe I can keep him on until I find a suitable replacement."

What will the boss say to keep you in the nest? Some of these comments are common:

- "I'm really shocked. I thought you were as happy with us as we are with you. Let's discuss it before you make your final decision, because you have a real future here."
- "You know, I've been meaning to tell you about the great plans we have for you. But they have been confidential until now."

- "The section head has you in mind for some exciting and expanding responsibilities."
- "You were behind your peers at your last review but this year we think your prospects of early partnership are really strong."
- "You're going to work for whom?"

It is important to be realistic in these situations. When an associate quits, it's a direct reflection on the partner he works for and his firm. Unless you're really considered incompetent or a rabble-rouser, the partner you report to might look bad by "allowing" you to go. His gut reaction is to do what has to be done to keep you from leaving until he's ready. That's human nature. Unfortunately, it's also human nature to want to stay with your employer unless your work life is miserable. Career changes create uncertainty, and your natural inclination is to stay with the devil you know rather than to dance with a new one. That's why bosses know they can usually keep you around for awhile by pressing the right buttons.

PAGE 2

Before you put down your gun to hug the bear, consider these universal truths:

- Any situation in which an employee is forced to get an outside offer before the present employer will provide salary and working conditions at market level or better is suspect.
- No matter what the firm says when making its counteroffer, you'll always be considered a fidelity risk. Having once demonstrated your lack of loyalty (for whatever reason), you'll lose your status as a "team player" and your shot at a place in the inner circle.
- Counteroffers are usually nothing more than stall devices to give your employer time to replace you.
- Your reasons for wanting to leave still exist. Conditions are just made a bit more tolerable in the short term because of the raise, promotion or promises made to keep you.
- Counteroffers are only made in response to a threat to quit. Will you have to solicit an offer and threaten to quit every time you deserve better working conditions?

Decent and well-managed law firms and other companies don't ever make counteroffers to employees who come to resign. Instead, they have fair and equitable compensation policies from the beginning. Employers you want to work for won't be subjected to "counteroffer coercion" or what they perceive as blackmail. They will stand pat and use the experience to improve later if they need to.

If you find you have hugged the bear and accepted a counteroffer, enjoy the thrill, but know that you should continue to clean out your desk. You have started down a road to perdition.