How to Conduct an Interview for Lateral Hires

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While law firms' lateral hiring pace is likely to slow somewhat this year as many begin refocusing on first-year recruiting, most data suggest that attracting and retaining top laterals in hot practice areas will remain a priority for law firm leaders for some time to come.

"We've looked for someone with the right fit for months with no luck," complains one firm leader. Another bemoaned the loss of business due to the difficulties associated with locating a lateral with the wherewithal needed to get past the firm's intensive due diligence process, while yet another charged large firms with the continued theft of his home-grown midlevel associates.

Clearly, new graduates don't have the technical skills to make up labor shortfalls, and some firms complain that the going rate for coveted lateral partners is "problematic" to say the least. The market for top prospects in certain regions is so tight, insiders tell BCG Attorney Search, that it's tempting to hire the first qualified lateral who sits across from your desk with reasonable expectations, client connections, and compensation expectations. But wait! Don't breeze through the initial interview, rubber-stamp the person's resume and references, and put in an order for a new extension. Remember, nothing less than the bottom line of your firm is at stake.

Note as well that your best prospects will undoubtedly have the most options. The interview process is about selling your firm as much as it is "buying" a qualified prospect, so you'll have to use those critical first conversations to identify top performers and also to appeal to them. If you think this puts even more pressure into an already packed situation, you're right. "Red flags" warn you about marginal candidates, or those who will have difficult personalities, while ideal responses will help target the lateral hires most likely to live up to your firm's expectations. The most revealing interview questions deal with (1) career stability and progression; and (2) firm compatibility and culture.

10 questions that you should never ask

1. What's your maiden name so that I can check references? (Instead, ask whether a female prospect has used any other names in the past so that your firm can verify past work experience and education.)

2. How old are you? What year were you born? When did you graduate from law school? (You're even liable for age-related information individuals may offer without prompting, so let them know that it's irrelevant, and don't write it down.)

3. Where were you born? Are you a U.S. citizen? (Instead, ask, "Could you, after employment, submit verification of your legal right to work in the U.S.?")

4. Are you married? Are you planning to have children in the next few years? Can you make...
adequate provisions for childcare? (Ask whether the prospect will be able to meet the firm's time and travel commitments.)

5. Are you disabled? Do you have any major medical problems? How many days were you sick last year? What prescription drugs do you take? Have you ever been treated for alcoholism or a mental health illness? (Just ask, "Are you able to meet the position's essential requirements, with or without accommodation?")

6. Would your religion prevent you from working weekends? (Instead say; "Weekend and holiday work may be required. Is that acceptable?")

7. Have you ever been arrested? (Instead ask if the person has ever been convicted of a felony. But remember: A felony may be grounds for rejection only if it's related to essential job functions.)

8. What kind of discharge did you get from the military? (Just ask what relevant skills they may have acquired during service.)

9. Have you ever declared bankruptcy or had your wages garnished? (Make the offer contingent on a credit check only if good credit is related to the job description.)

10. Who is the nearest relative we should contact in an emergency? (Ask for someone to contact, without regard to the relationship.)

10 good questions that should be asked

Here are some good interview questions to ask. The intent of a query is not normally the focus of a hiring-related claim: Usually, it's just the form of the question. As a result, most savvy law firm leaders know to avoid the following questions (we hope!). Consider them a review of the basics.

Icebreakers. These questions will get the interview going and reveal important points about prospects.

1. Tell me about your greatest strength. What's the greatest asset you'll bring to the firm? People are comfortable talking about themselves, and should be prepared for this one, as well as its natural follow-up. Watch out for "fluff" such as intelligence, hard work, loyalty, and commitment. These disguise and delay, rather than reveal. Watch also for traits that fail to match what your firm needs. Ask all prospective members of your law firm to define and give specific examples of hard work, commitment, and so on.

2. What's your greatest weakness? This is a common self-evaluation tool, but many people still do not expect to be asked. Use the surprise to your advantage, and pay attention since people often come clean here. Don't let them say that they have no weaknesses: That shows a lack of communication skills, not a lack of flaws. Look for weaknesses that are, in fact, strengths taken to a fault, such as perfectionism and desire to exceed expectations.

3. Where do you see yourself in five years? This is a "showstopper" because it triggers "wishful thinking" and will reveal creative potential if nothing else If the prospect's goals have nothing to do with your firm's strategy, how can you make long-term plans around this person?
Career-stability questions. If the prospect was laid off from his or her former firm, you'll want to ask when the initial cuts were made, how many people survived them, and how long before he or she was let go. If the individual left or is leaving voluntarily, distinguish the personal from the professional reasons. Any "movement for movement's sake" should throw up a red flag, as should the "no room for growth" rationale, which may show a mastery of the possibilities at the prior firm or betray chronic boredom and lack of motivation. To determine the true motives for movement, ask:

4. What does growth mean to you? Does it mean faster promotion, more responsibility and experience--or simply more money? Hone in on those with positive self-awareness and career goals who can make a realistic assessment of their contributions to the firm. Beware of whiners who blame members of his or her former law firm and can't make objective evaluations or positive suggestions as to how the problems at their old firms could have been solved. Keep in mind that if they can't articulate how your firm might solve such a problem, there's no reason to think giving them the job will bring any more success.

5. What will you do differently at our law firm? Look for people with a creative, "can-do" attitude, no matter where they find themselves; they're team players. Watch out for those who can't come up with anything good to say--they may be negative people who give up too easily.

6. How have you added value to your firm over time? This is a challenge that many will try to evade with more "fluff." But those who have taken a proactive view of their own performance will be able to explain their contributions--and have the makings of star producers.

7. Tell me about your most recent performance appraisal: In what way were you most pleased? How were you most disappointed? In instances where a prospect expresses displeasure or disappointment in the appraisal of his or her work, follow up the question by asking how, with the benefit of hindsight, the prospect could have improved his or her performance.

Culture questions. Likeability doesn't always equal compatibility. To tell the difference, ask:

8. How would you describe the amount off structure, feedback, and direction that you need to excel? If the answer is a combination of structure and independence, ask them to choose one. There are no right or wrong answers; this is just a gauge of your compatibility ratio.

9. Where did you disagree with your firm's current leadership most often? How did you handle the situation the last time you had a difference of opinion at your firm? Differences in opinion are inevitable--conflict is optional. This answer shows how a person deals with interpersonal conflict and the steps he or she takes to find a solution. Beware the person who zeros in on who is right, not what is right.

10. How do you approach work from the standpoint of balancing the professional and personal aspects of your life? This is an open invitation to engage in a person-to-person values exchange and reveals communication and other "soft" skills. Use this question to take the interview to a "humanistic, holistic" level.

Although we recognize that savvy law firm interviewers will consider these insights a "no-brainer." As always, check with your firm's experts to avoid any employment law issues. Then use the two lists of questions as a guide to maximize your next recruitment and selection efforts.
It's not enough to ask the question. You have to understand why you're asking, and then interpret the response--as well as all the ways your prospect could have taken the query but didn't. This is easier than it sounds, especially if you identify the rationale and learn to spot the red flags in the responses. Try the icebreakers for openers, and then follow up with the questions on career stability and firm culture. Mix these in with your firm's own hiring and selection format. Don't forget background checks and third-party references for all of your candidates--even those who seem to come to the table with a stellar background and references! Good luck and happy hiring.

See the following articles for more information:

- Top 23 Law Firm Interview Tips: How to Excel in Law Firm Interviews
- 21 Major Interview Mistakes to Avoid at All Costs
- The Best Way to Prepare for a Job Search and Interviews
- How to Talk About Other Interviews in Your Interviews
- How to Answer the Tell Me About Yourself Interview Question
- How to Answer the Do You Have Any Questions for Me Interview Question
- Had a Great Interview But Have Got No Response to My Thank-You Emails
- What Does It Mean if I Haven't Heard Anything Back from an Application/Interview in a Couple Weeks?
- What to Wear to a Lunch Interview?
- How to Effectively Interview Lateral Candidates: Pointers for Law Firms
- The Interview Post-Mortem: Don't Forget Your Thank You Notes!
- The Secret to Effectively Sharing Concerns about Your Current Employer without Committing the Most Common Interview Blunder
- How to Conduct Yourself During a Lunch Interview

Interested in Learning More About Legal Hiring? Read the Definitive Guide:

How to Hire a Legal Recruiter for Your Law Firm: How Law Firms Recruit Attorneys Using Legal Recruiters