

The Inside Scoop on How to Hire the Very Best In-House Counsel

By Harrison Barnes from Los Angeles Office Managing Director

Summary: Are you looking to fill attorney in-house openings in your company but don't know how? Learn how to hire the attorneys you need in this article.

This article is devoted primarily to a discussion of the recruitment of in-house counsel for corporate law departments and companies seeking their first counsel; however, I also provide guidelines for law firms as well. Since I work in both sectors (law firm and in-house placement) I feel I am uniquely positioned to offer powerful advice on each form of recruiting and placement.

For a substantial number of resources for law firms recruiting attorneys, visiting this link would be helpful: [Employer Resources on BCG Attorney Search](#)

Recruiting in-house counsel is one area where perception and reality truly differ. For a variety of reasons, (usually related to unfamiliarity with the process) many perceive the recruiting of in-house counsel as a simple and painless process generally accomplished in a timely fashion by spreading the word and placing one or two small advertisements. After all, we all know there are plenty of lawyers looking for corporate positions-it shouldn't be too hard to find a good one!

In fact, the opposite is generally true. If you talk to any hiring counsel or HR manager who has had the pleasure of recruiting top quality lawyers, he or she will have no hesitation in telling you what a difficult and time consuming process recruiting can be and no lack of horror stories about what can happen when a new hire does not work out.

In the legal community, as in practically every area of business, 90% of employers want the top 20% of candidates in terms of technical ability, personal qualities, intelligence, interpersonal skills, motivation, etc. This creates a tremendous competitive demand for high quality candidates. Yet these are not generally the candidates that are going to be walking the streets or scouring the help wanted advertisements. These people are almost always employed and tend to be well treated and well paid in their current situation. When they do make a change it tends to happen in one of two ways-either they choose to look for a new opportunity through networking, word of mouth and direct application, or they are proactively recruited. In either case they tend to be very selective and want to know a great deal about any new opportunity-size of the department, reputation of the company, compensation, quality of work, long term prospects, etc. Generally their problem is not finding a position, but choosing the right one!

Add to this all the other variables which impact any type of recruiting - lifestyle considerations, two career families, quality and variety of work, compensation demands, company stability, mergers and takeovers etc. You then have a situation where finding a lawyer with all of the requisite legal qualities and abilities, a long term commitment to practice in-house, excellent interpersonal and business skills and the willingness to achieve career goals over the longer term becomes an exceptionally difficult task.

The purpose of this article is to help make the recruiting process simpler and more proactive and thereby increase the probability of a successful hire. While it will not pull that perfect candidate out of thin air, it should provide you and your company, whatever the size or location, with a rational, cost effective process for identifying, recruiting and selecting the right person for the right position.

Needs Analysis

As a starting point, It is critical to examine the need for new or additional people on two levels: strategic and

operational.

1. Strategic

Prior to starting to recruit, you should critically consider how the hiring of a new person fits with your long range plans and goals. This assumes, of course, that you have a business plan and long range strategic goals. If you do, you will be able to determine how new lawyers will or will not fit in and contribute to these plans and goals. This is a very powerful starting point, both in terms of hiring the right person from your perspective, but also in terms of ensuring the candidate knows whether he or she has made the right selection. I have yet to meet a good candidate who does not want some sense of where the department/company is going in the next few years and what the candidate's role will be in getting it there. The only way the candidate can get some reasonable answers to these questions is if you a) have made the effort and taken the time to formulate a brief business plan and long terms goals and b) can articulate the gist of your plan and how the candidate will contribute to its implementation in a concise and persuasive fashion. In summary, the strategic plan, of which the recruiting plan forms a part, is critical in determining the number and type of people you will need over the short to long term and will also help you communicate a sense of the employers "vision" to prospective candidates once you have started the process.

2. Operational

Operational needs tend to be short term and presuppose consistency with your strategic plan. Under operational I include recruiting for short term or temporary lawyers and replacing lawyers where there is no question over the need or nature of the position. In other words, no strategic considerations are involved.

You should continually be assessing your operational needs. While still a new concept to the American legal profession a number of companies are using part time and temporary lawyers very effectively. Prior to hiring a permanent lawyer, always consider whether your needs might best be met by some other alternative arrangements. There is a growing pool of capable people available to take these assignments and they give you much greater flexibility in responding to economic changes. This is also a good option even where you have made the decision to hire permanently. By bringing in a lawyer on a short term basis you will take away some of the pressure to hire quickly. While it must be offset against the investment of time and internal goodwill that will be lost, [in the right circumstances this option can greatly reduce the risk of making a mistake](#) since your recruitment can be driven by considerations of quality instead of urgency.

RECRUITMENT PROCESS

1. Planning Process

Generally an effective recruitment process is made up of two critical parts: the planning process and the implementation of the plan or action. Most companies make the mistake of skipping or minimizing the planning process and focusing on action. Both are critical to the process and the absence of one will significantly reduce the effectiveness of the other. The planning process can be broken down into the following general components:

- a. Current Needs
- b. Recruiting Budget
- c. Department/Company Profile
- d. Candidate Profile

e. Sourcing Methods

f. Compensation and Benefits

g. Orientation

h. Termination

a. Current Needs

This is the point where you concisely summarize, for active recruiting purposes, the results of the earlier needs analysis. Essentially, your current needs should be stated in no more than two precise, well worded paragraphs. These paragraphs should reflect exactly what you are looking for and why. They should give yourself, and any reader an accurate sense of the position to be filled. For instance, the first paragraph may start as follows: "XYZ is a 10 lawyer firm with a mixed business oriented practice. Primary areas of focus include commercial transactions for small to mid-sized companies, commercial and residential real estate, commercial litigation and personal injury litigation. We have four partners and six associates. One of the junior associates, one with two years of experience practicing primarily in the corporate commercial area, will be leaving the firm effective Nov. 20. He is moving to XYZ for personal and family reasons. We are committed to replacing that position. Accordingly, we are seeking a ...etc."

This process does a number of things. It makes you focus on and define, in writing, exactly what you are looking for and why. If circulated, it will encourage feedback and confirm consensus as to the nature of the need. It will give the lawyers in the department an excellent prcis of what the company is looking for, thereby encouraging recruiting through referrals. It will give you an effective and consistent summary to use in speaking to others in the process, including recruiters and candidates and, if well drafted, will form the substance for any advertising or position notices you may wish to publish.

b. Recruiting Budget

You must have a recruiting budget and you must know what your expected costs will be. Recruiting is a costly and time consuming activity. In my experience, recruitment of a quality candidate can easily consume \$10,000-15,000 in direct and indirect costs. Allocating resources in advance and tracking costs will not only tell you the cost of the process in each case and whether you are getting value for your efforts, it will also allow you to recruit on a proactive basis. In setting up a recruiting budget it is useful if you include not only all direct expenses which you expect to incur, including advertising, travel, lunches, brochures, etc., but also all indirect expenses including lawyers time (if tracked). One candidate meeting with three lawyers can add up very quickly. Examine your process very carefully. An efficient screening process and structured, well planned interviews which are complete but reasonably brief will save a great deal of time and money.

c. Your Profile

Recruiting involves selling, pure and simple. To recruit effectively you must be able to articulate and then sell the unique benefits of your department/company consistently and persuasively. I am continually amazed at how few really have a good sense of "who they are" or how they are perceived as a place to work. For successful recruiting, you must first know what you are selling and why a candidate might "buy in". [A number of surveys over the years have indicated that the same general factors are important to all candidates in selecting potential employers.](#) These are:

Geographic location

The size of the company and the demographics of its employees

Clear and descriptive information about practice areas, including information about the work of other lawyers in-house

The employers' reputation, especially regarding its financial stability, and its reputation for having "good people". Number of women is also a factor now.

An indication of the employers current hiring needs and how the position arises

Information about the day to day life of a lawyer in this company

Salary and benefit information

Descriptions of the career path available to the lawyer

Evidence that the lawyer will have a life outside the law.

One of the best ways to send a clear, positive written message is to prepare a first class recruiting brochure. Develop a profile which is both factual and upbeat. Include personal biographies, areas of work, company history and future plans, together with information which gives a sense of professional excitement and personal reward.

Further, highlight what you are proud of, what you have achieved, what makes your department/company special, how sociable are you, what makes practicing here attractive, unique and fun. In short, put yourself in their shoes and view your company with the same critical eye any well motivated quality candidate will view your organization through. [Be prepared to address questions concerning hours or work, business involvement, training, extra activities, performance evaluations, salary reviews, promotion issues, work relations](#), management style etc.

d. Candidate Profile

From your plan, develop a profile of your "ideal" candidate. Used as a benchmark for active recruiting, the profile must concisely define the personality traits, personal values, practice style and professional abilities the position requires. Focus particularly on personality and precisely identify the personal and business qualities that a candidate will need to succeed in this position. Be specific about the qualities, traits and experience you are seeking in a candidate, and then ask yourself why each one is necessary and how it directly relates to the requirements of the position. We find that many employers tend to be overly broad and ambiguous in defining what they are seeking.

For instance, some will simply say they need a lawyer with "5 years of commercial experience" when what they are seeking is a more mature lawyer who has a solid base of drafting and agreement experience. The assumption is made that lawyers with 5 or more years will more likely than not have that experience. However, by defining your requirements based upon broad criteria which have built in assumptions you impair the process in a couple of ways. First, you tend to exclude all lawyers with less than five years' experience when there may be some candidates with four or even three years of experience who, because of the quality of their experience and general background may be perfectly suited. Second, and more importantly, by focusing on years of experience you may not evaluate the candidate fully in terms of determining whether they have the actual skills to do the job. In other words, your assumptions may turn out to be incorrect, leading to a hire that is much less suitable than you expected.

[In summary, when it comes to the candidate profile, be clear, be careful and be precise. To get started, identify a successful lawyer \(internal or external\) and list the qualities they have which you like.](#) Be sure to circulate your profile for comments and feedback.

e. Sourcing Methods

Sourcing describes the process of finding and identifying suitable candidates. It involves a number of techniques and methods. As expected, it is most effective when a number of techniques are used

concurrently. The most common sourcing techniques include:

Advertising - Advertising is the most popular form of sourcing for attorneys, yet it is the most passive and, unless properly prepared and used in the right circumstances, can also be one of the least effective. Where the position is very junior, reasonably general and there are a large pool of candidates, well designed advertising can produce results. However, where the position requires a more senior or specialized candidate, advertising loses some effectiveness unless you are prepared to run a series of noticeable, highly targeted ads. Like most advertising, position ads which run in a strategic location a number of times are far more effective than a large ad run once.

[Click Here to Post Legal Jobs](#)

Word of mouth (networking) - Word of mouth is one of the most common methods of sourcing and can be very effective. However, it tends to be at the least a very slow method of finding candidates and in many cases will have no effect at all. As there is no risk or cost, it is always worth "putting the word out"; however, I certainly would not rely on it as my primary recruiting method, particularly if the need is urgent.

Unsolicited resumes - While most tend to be of no interest, every once in a while a good one can land on your desk. Recruiting good people is a continuous activity. Always be alert for good candidates who may have just picked your company as a potential opportunity. Take the time to at least review unsolicited resumes and respond, one way or another. This requires a minimal investment of time which can sometimes pay off, even if it is only because your name gets passed around as an employer that deals with all candidates in a professional manner.

Headhunting - Headhunting refers to the targeting and recruitment of potential candidates who may be otherwise employed. Lawyers will often headhunt "warm" contacts (i.e. lawyers they have had a file or other personal contact with). This targeted approach can be extremely effective and is widely used. However, it is an extremely limited option in the sense that, if the candidate is not receptive there are no other candidates. If possible, it is normally used as a first option.

Employee referrals - In larger departments, this can be an effective avenue of recruitment. Current employees can be your best recruiters, and this is one reason to keep them informed of positions to be filled. Employees know the company well and can be your best salespeople. Moreover, they will tend to know colleagues at their level and most will know who might be interested in moving. Many businesses recognize the value of this source and have implemented employee referral programs which financially reward employees for referring candidates who are subsequently hired. Of course, like all lawyers they are busy and you will find their interest wane quickly if they cannot think of someone offhand.

f. Compensation

Compensation for in-house counsel is always tricky and really needs to be reserved for a separate and detailed article. Generally, it is one area where it is always worth getting some good, timely advice. For this article, suffice it to say that it is an issue which can have a tremendous impact upon the [quality of the candidates you are seeking to recruit](#). At the same time, compensation must be consistent with your financial situation and the compensation levels of others in the company and in the market as a whole. If you apply some careful thought at the outset to this issue you may save yourself some grief later.

g. Orientation

Design a formal orientation plan so the candidate integrates smoothly with the company. Recruiting efforts will be sabotaged if the person is just dumped into an office and told to "go to it". Ensure the person spends time getting to know key people in the company, how the systems operate and the expectations of the business people and management. Also, how the firm deals with professional and ethical issues must be clearly defined. For larger departments, a well-run mentor program is an excellent tool to facilitate integration into the company.

Every mentor should be well versed in his or her responsibilities and committed to spending time, both

professionally and personally, with the newly hired lawyer. If the company does not have a mentor program or is too small, the senior/general counsel must make a concerted effort to spend the time to get to know the person and to make them feel like they are part of the company in every sense.

h. Termination

While it may be odd to see the issue of termination as a part of the recruiting process, termination procedures can seriously affect a company's recruiting efforts. Treat employees who leave as professionally as possible, using outplacement and career services where appropriate. Nothing hurts a reputation and long term future recruiting efforts more than bitter ex-employees. Conduct an exit interview if possible. You need to know what the person is going to say and you also want some idea of where you might be able to improve your personnel process.

2. Implementation

Once the planning process has been completed you can finally get on with the recruitment. Generally implementation has three components:

- a. Action Plan
- b. Responsibilities
- c. Reporting

a. Action Plan

An action plan is valuable to ensure all parts of the recruiting process have been addressed and will be implemented in a manner which is consistent with your timeline and budget. The action plan should include specific strategies and actions to be completed by certain dates. If more than one person is involved, people responsible for carrying out various actions should be designated. The plan should be circulated to all affected individuals. This will both confirm that individual's role and responsibility and will also help to ensure that actions get done on time. If everyone else knows what you are supposed to do and are relying on you to carry it out by the time specified, it is more likely that the task will get done.

b. Responsibilities

There must be one person designated to follow up as required. This person (usually an HR manager, senior solicitor or director, or another key person) must co-ordinate the process and ensure all people involved know their responsibilities and what is expected in terms of carrying them out. At the very least, this person must ensure that the follow up and communication with respect to candidates and applications is carried out properly.

c. Reporting

To ensure the pace of the recruitment is maintained and candidates are not lost due to delay and inattention, you should schedule short but regular meetings to update the status of the recruitment, discuss potential candidates, and receive reports from people who have been assigned tasks to carry out. Even if you are the only lawyer in-house, whether or not you are using a recruiter, you should consciously schedule a short block of time at regular intervals to review the progress of the recruitment project and make decisions as to how you should proceed from that point on.

WORKING WITH A HEADHUNTER

Deciding to work with a recruiter is essentially the same as deciding to work with a lawyer or any other professional adviser. You can do some or all of it yourself, but you almost always get a better and quicker result when you use an expert who practices in the area every day.

If you are considering hiring a headhunter to assist you with your recruitment, some of the key issues you should address include:

What They Can Do for You

Communication Needs

How to Select a Headhunter

Fees and Costs

Terms of Agreement

Ongoing Relationships

- See [How to Hire a Legal Recruiter for Your Law Firm: How Law Firms Recruit Attorneys Using Law Firms](#) for more information.

What They Can Do for You

Like any professional with special expertise, legal recruiters bring certain assets to the table which can greatly assist you in locating and identifying candidates, particularly where your needs are for candidates who are senior, specialized or in demand. Because they are in the job market every day, legal recruiters can provide you with invaluable intelligence about the availability of certain types of candidates, what might be happening in certain firms and companies and how you are perceived as a potential employer. Generally, a legal recruiter can assist you by:

Saving time in pre-screening candidates - Even where an advertisement attracts a number of applications, many of these may bear no resemblance to your particular criteria. For those that do, you must still allocate a great deal of time to interview, as a resume will not give you an indication of the candidate's personality or potential fit. A legal recruiter who knows you and your organization can save you many hours of time by pre-screening candidates and only presenting those applicants who match your criteria and seem compatible with the firm.

Providing access to candidates who otherwise might not have contacted or applied to you - As stated earlier, the top candidates generally do not respond to ads or may not be actively networking, and consequently are not likely to contact the employer in response to these initiatives. Because the legal recruiter is in the market all the time and becomes known as a confidential broker, good candidates will often call them first, even before they have decided to actually make a move. Often they will simply be seeking feedback or to find out what might be generally available in the job market. If the legal recruiter has been retained, has an ongoing relationship with you and knows your needs, he or she can very effectively introduce the candidate to your opportunity.

Promoting your company to prospective candidates and diffusing any incorrect or negative information about your company which might be circulating - For whatever reason, and particularly in times of high merger and takeover activity, some companies will develop a reputation for "risk" in the marketplace. These reputations can circulate quickly, and due to the nature of rumor and word of mouth, sometimes take on a level of significance unwarranted by the facts or positive changes to the company. Employers often find it valuable to have a recruiter who can educate potential candidates about their real risk level and, where necessary, correct inaccurate or outdated perceptions. Many employers see legal recruiters as an ingredient essential to their regular recruiting efforts. Lawyers, especially those most in demand, contact legal recruiters for their knowledge of the job market and of the environment of individual employers.

Serve as a facilitator during the interview and negotiation process - The recruiter is a professional intermediary and can help guide both parties through the process. Given the recruiters relationship with both

parties, the recruiter can often answer questions from both sides, obtain information which either side might be reluctant to obtain on their own, seek clarification or debunk rumors.

Communication Needs

As in all professional relationships, communication is critical to success. With a recruiter, you need to communicate not only your hiring needs and criteria, but also what is happening internally and any issues that a new hire might reasonably face. While it is difficult at the start of a relationship with a recruiter to expose your "dirty laundry", it is absolutely vital to the process and success of the assignment. Candidates come to reputable recruiters for honest answers, and put a great deal of faith in their judgment and opinions. They expect a recruiter to have a well-rounded sense of the company and to be able to discuss the potential negatives as well as the positives. If there is any sense that the recruiter does not have the whole story or is unaware of certain issues involving the position, the recruiter's credibility will be lost, as well as a potential candidate. Once you decide to hire a recruiter, it is important to treat them as a true professional adviser and discuss with them all the relevant facts or issues. Surprisingly, the recruiter may be able to put a positive spin on an otherwise negative situation or may be able to advise you how to deal with the matter so it does not adversely impact your recruiting efforts.

How to Select a Headhunter

Select a headhunter as you would select any other professional adviser. Talk to colleagues and do your own research as to who is out there and what their general reputation is in the marketplace. Once you have identified one or more firms who emerge as the clear leaders, conduct telephone interviews with the firms to both gather more information and assess their response and telephone presence. Obtain brochures. Narrow the list down to one or two firms and then invite the firms in for short meetings. From the meeting you will want answers to the following questions:

- How they identify and screen candidates
- How they generally operate
- Have they conducted similar searches
- What types of information do they provide
- Do they interview lawyers in person or on the phone
- How much do they learn about candidates
- Will they call prior to sending a resume
- Will they send a resume with their card or will they include a full candidate submission setting out:
 - education
 - professional experience
 - goals
 - reasons for wanting to move
 - career achievements
 - compensation
- How are fees and costs calculated and billed

The answers to these questions should allow you to make a reasonably informed choice. Of course, above all you will be influenced by the person you are dealing with and his or her personal credibility and personality. Is the person honest and will they deal with you candidly?

Fees and Costs

Head-hunters fees are generally contingent upon placement, although many firms will charge an upfront non-refundable retainer in the range of 25-35% of the expected fee, particularly where the assignment is senior or particularly difficult and risky.

See [What is Retained Attorney Search?](#) for more information.

There are very broad industry standards on fees and guarantees. Usually the fees range from 20-30% of a lawyer's first year compensation with a three to six month guarantee. Generally, if the lawyer leaves the position for certain reasons during the guarantee period the guarantee will offer to remit the fee, or a prorated portion, replace the lawyer or offer a credit toward replacement up to a maximum time.

With respect to costs, generally you can expect to pay most disbursements associated with the recruitment, including long distance, fax, advertising, hotel and travel, etc. Prior to commencing the search it is best to find out from the recruiter how and what they charge for costs.

Terms of Agreement

Most good search firms will have a recruiting contract for you to sign prior to commencing the search. Generally the agreement should cover the following items:

- a description of the services to be provided
- whether the search is retained or contingent
- the length of the assignment
- the recruiter compensation
- length and terms of any guarantee
- use of confidential data
- commencement and termination
- exclusive or non-exclusive

Ongoing Relationships

Most of the time and effort with a recruiter is put in at the beginning of the relationship when the recruiter is gathering information about the company and getting to know the employment culture and personality. While you may have hired the recruiter to conduct one specific search, think of the relationship as long term and ongoing. In this way both parties will put more time and effort into the relationship and the recruiter, in particular, will tend to take extra steps to bring high quality candidates to your attention on an ongoing basis. This relationship will also give you an ongoing source of information about the market, perceptions of your firm and so on. In short, the investment you make at the outset can develop into a positive long term relationship offering sometimes unexpected but welcome benefits.

Interviewing and Selection

a. Hiring Criteria

When hiring, all employers apply some criteria to evaluate whether or not a candidate may be suitable for the position in question. However, for many legal employers, these criteria tend to be ad hoc and based upon a number of loose "gut based" assumptions, such as "I know a good lawyer when I see one", which may not be appropriate, applicable or of any predictive value whatsoever.

Rational and consistent hiring criteria which are carefully thought out and based upon position requirements are critical to selecting candidates who have the greatest likelihood of "succeeding" in your environment. These criteria must be articulated and applied in a standard fashion to all prospective candidates.

There are two types of hiring criteria:

- Objective
- Subjective

Objective criteria relate to facts which are external and objectively verifiable, while subjective criteria refer to the abilities, motivation and personal attributes the lawyer needs to perform his or her expected role. Needless to say, defining and articulating the subjective criteria is the most difficult part of the process. To start this process you can generally organize the subjective criteria into three broad areas:

Ability - Includes knowledge, experience and intellect and covers the factors that are used to determine whether a candidate can do the work required. Examples of ability criteria include the candidate's judgment, writing ability, practical skill level, ability to weigh choices, creativity, analytical ability and decisiveness.

Motivation - Covers the factors that are used to determine whether a candidate will do the work required. Examples of motivation criteria include enthusiasm, initiative, desire to excel, persistence, ambition, energy etc.

Personal Qualities - Covers the qualities that predict fit or how the candidate will do the work required and interact with other members of the firm. Examples of personal qualities include being a team player, mature, sensible, patient, having a sense of humor, optimism, etc.

See also: [The Top Three Qualities Warren Buffett Looks for When Hiring Attorneys, Managers, and Others-and Why This Is All You Need to Know to Hire, Get Hired, and Be a Great Employee](#)

Of course, the most difficult part of the process is connecting the qualities which have made lawyers successful in your office to the qualities you seek in the candidates you wish to hire. Once you have articulated your hiring criteria in writing and are satisfied both as to the nature of the criteria and the validity of the criteria in predicting your likelihood of success, you need to ensure that the criteria are applied consistently and in a standard manner to all applicable candidates. To do this you must sit down with all prospective interviewers and ensure that the criteria are fully understood and that they will be applied in a specified way. This is best done by describing and explaining the key criteria in detail, developing and providing interviewers with a standard set of questions designed to elicit key criteria and, finally, by providing a standard interview and evaluation form designed to record interview responses and observations in a standard and complete way.

With this process it is important to ensure that interviewers elicit not only qualities that are consistent with your hiring criteria, but also qualities which are inconsistent. In this way you will gain a more accurate picture of the candidate, maintain a more balanced process and control the natural tendency to "lead" the candidate to the desired answers.

b. Interviewing Skills

As a recruiter, the most common complaint I receive from employers and candidates alike has to do with the interview process. Employers complain that candidates bear no resemblance to their resume, that they are unprepared and know little about the firm, that they sometimes misstate experience and qualifications and that they are just generally weak in presentation and seem to have little understanding as to what employers are seeking. Conversely, candidates complain that interviewers are unfocused and tend to talk endlessly about the company, that they are often missing key details or do not anticipate candidate's questions and concerns and that they are sometimes rude and interrupt the meeting to take clients calls, issue instructions to secretaries, sign letters and so on.

While most lawyers have reasonably well developed interview skills and, in a client situation, can generally obtain detailed and relevant information in a highly focused and professional manner, many seem unable, or unwilling, to apply these same skills to the interview of a candidate. Perceived as a tedious and time consuming task with little immediate economic value, associate candidate interviewing often tends to be ad hoc and assigned the attention usually reserved for a low priority task.

I am not going to presume to tell lawyers how to interview-most are more than capable-or point out errors they should avoid. Most are common sense and can be summarized in one sentence. Interview a candidate as you would interview a client, politely and with respect. However, I will suggest the following ways to make the process less painful and more effective for all concerned.

Prescreen resumes carefully. Using your hiring criteria, screen out any resumes that do not meet your basic minimum hiring criteria.

Using a standardized format, conduct a very brief telephone interview of the candidates you listed in the first step. Use this process to gather any information you need and obtain the candidates answers to 2-3 key questions. Limit your calls to 5-10 minutes each and record the answers. Use this information to screen out further candidates.

Call the remaining candidates to attend for a brief first personal interview. Inform the candidates of the nature of the interview and what your expectations are. For instance, you might say, "I am calling to arrange a personal interview at our offices on --- day. The interview is simply a chance to meet you and will be brief. We expect to be no more than 30 minutes and will ask you a few fairly specific questions about your experience and current situation. For this meeting it would be helpful if you had:

some background information and sense of our company

an extra copy of your resume

law school transcripts

names and letters of references

salary expectations

a sense of your timing.

If you have any questions, please jot them down and we will discuss them at the meeting. I will see you then."

Select the right person to conduct the interviews. Some lawyers will be very good at candidate interviews while others will be very poor. Choose a person who has an interest in the area and is an enthusiastic supporter.

Use a standardized format for the interview in each case and have one person conduct the interview.

For instance, plan to spend 2- 3 minutes on small talk, 5 minutes on a brief description of the firm and the position to be filled, 15-20 minutes on questions to the candidate and the final 5-10 minutes on candidate questions. Close the interview promptly after 30 minutes. If the candidate has unanswered questions, tell him or her that you will call to follow up. While 30 minutes seems like a short period of time, if the interview is structured and run properly that should be more than enough time to obtain a preliminary sense of the candidate and whether he or she is worth proceeding further with. Screen out candidates you can decide you are not going to proceed with.

For the final candidates set up a panel (usually 2-3 people) to interview. While it should be structured and include key questions, this session will be longer and more fluid. One person should take the lead and ensure that the preparations are made, the candidate is properly introduced, the interview stays on track and so on. Ideally, include a non-lawyer who will interact with the new hire closely for feedback.

This process should produce, in a relatively painless fashion, one or two candidates who you feel are suitable for hire.

c. Selection and Offers

The selection of a candidate and offer of employment should take place as soon as possible after the conclusion of interviews. Timing is important. If you take too long in making up your mind or in getting back to a desired candidate, the candidate may not remain as enthusiastic about working for you as he once may have been. Where the candidate has other options on the table this lack of responsiveness may cause him to decline the offer or seek to negotiate a better package.

At the end of the interview tell the candidate when you will inform him or her of your decision. Generally one

to two weeks would be normal, although this will vary according to the circumstances. In the event you are unable to make a decision in the time specified, the applicant should be notified of the delay. If you decide to make an offer to a candidate, it is my view that it should be done personally in your office if at all possible. Whether in person or over the phone, you should cover verbally all necessary terms.

After your discussion you should immediately write a letter to a candidate confirming the terms and asking the candidate to signify acceptance by endorsing and returning a copy of the letter. This I cannot emphasize enough. Verbal agreements can go sideways very easily. The written letter tends to seal the arrangement and adds a formality to the process which can be highly beneficial.

See [A History of Legal Market Conditions and Attorney Lateral Hiring](#) for more information.