

A Special Report

What to Ask the Headhunter

When it's time to move on, make sure your recruiter does his job.



BY DAN BINSTOCK

The hiring market for lateral attorneys is thriving. Indeed, the legal economy is very strong, and mobility between law firms—for both associates and partners—is increasingly accepted. Because law firms save significant amounts of money by hiring experienced attorneys who do not need a lot of training and can comfortably handle projects from the outset, competition for top lateral talent is fierce. As a result, search firms are very busy, and well-credentialed attorneys practicing at a prestigious law firm are likely to receive numerous calls from recruiters.

Legal recruiters play a dual role in the lateral hiring process. Recruiters help law firms by finding, screening, and presenting only those candidates who appear to be a good fit for that firm. And recruiters help attorneys (those who are receptive to a potential change, of course) by contacting them and describing available opportunities, providing insight and expertise into the market, building a relationship, presenting them to the firm if there is a potential fit, and navigating them through each stage of the interviewing and hiring process.

Although thousands of attorneys will work with a recruiter this year, most will spend less time evaluating recruiters than they do researching airfares on the Internet. This is because most attorneys who don't have experience using recruiters usually don't realize—until far into the process—that a recruiter plays a much bigger role in the job-search process than simply relaying information about openings.

Unlike the practice of law, the legal-recruiting profession is not regulated and does not require any type of licensure. Yet using a recruiter involves temporarily entrusting the course of your career to another person. There are many excellent legal recruiters, but not all recruiters are created equally.

CAN'T HURT TO ASK

Like choosing a doctor or lawyer, you owe it to yourself and

your career to spend some time making sure that your recruiter is truly best suited to meet your needs. The following questions (gleaned from my years both as a recruiter and as an attorney on the receiving end of recruiter calls) will help you do just that.

Do you work exclusively in my market, or do you work in multiple markets?

If you were looking to buy a home in Washington, D.C., would you use a real estate agent who sells houses primarily in California? Staying plugged into the hiring needs in any sizable single market is a full-time job by itself. Working with a headhunter who is based in your market (or at least visits there on a regular basis and has a deep familiarity with the firms) helps ensure that you are entrusting your career to somebody whose expertise will give you the greatest benefit.

How long have you been recruiting?

If you were sued personally and were interviewing different lawyers to represent you at trial, wouldn't you ask the lawyer about his experience trying cases? Most attorneys, however, never think to ask their recruiters this. Keep in mind that there are some excellent recruiters who are just beginning to develop their careers. This does not mean you should not work with them. In fact, many beginning recruiters are "hungry" and will put in much more time and effort than the more experienced recruiters. Recruiters who have been recruiting in a particular market for a long time, however, have significant institutional knowledge.

Will you be writing a cover letter to the employer on my behalf?

Résumés usually don't provide two critical pieces of information that employers want to know: your reasons for seeking a new opportunity, and confirmation that you're not having any performance-related issues at your current or prior job. Because there is a human tendency to infer the worst if information is omitted, a recruiter's cover letter can allay any concerns about potential drawbacks that could be inferred from missing information on your résumé.

For example, if there is a recent gap on your résumé, employers

could automatically assume you were fired for poor performance. But if, in reality, your prior employer loved you and begged you to stay, but you decided to leave for reasons entirely unrelated to your performance, communicating this in a cover letter goes a long way in rebutting any initial negative presumption.

A cover letter also communicates your unique strengths and explains important background information in a way that would be very awkward for you to do yourself. For example, writing “I’m fantastic, everyone loves me, I bill 2,200 hours, and I got the highest bonus in my class year!” in your cover letter risks making you appear a bit overconfident and slightly lacking in social judgment. But having the same information communicated from a third person’s point of view (your recruiter’s) is much more acceptable and gives you an advantage over candidates who are not working with someone who will brag about them on their behalf.

Thus, it is important to find out whether a recruiter will be drafting a cover letter on your behalf. If a recruiter won’t take the time to speak in detail with you about your background and use the information to write a cover letter that explains critical information to a firm, what does this say about the recruiter’s commitment to helping your career?

Some recruiters justify skipping the cover letter by saying, “Oh, don’t worry—I’ll just call my contact at the firm and explain everything on the phone.” Unfortunately, the truth is that these calls are often never made. Why? If they were, busy partners and law firm recruiting managers would be flooded all day with calls from recruiters. Even if calls are made, there is no way to ensure that the important information is communicated to all the various interviewers later in the process. Moreover, even if it is communicated, is there any guarantee that it was done so accurately? (Remember the children’s game of telephone, where the initial information changes significantly by the time it is whispered to the last child?)

Unlike 20 years ago, when partners handled recruiting, almost all large law firms now have a recruiting manager or coordinator through whom outside recruiters must funnel a candidate’s résumé and transcript. Thus, given the competitiveness in the market, having a well-crafted cover letter that delivers critical information to all of the evaluating attorneys will not only help you get an interview before candidates who don’t have a cover letter; it will make the interview go smoother, as well.

Can you share what you will be communicating in my cover letter?

If your recruiter takes the time to write a cover letter, that’s a good sign. But make sure that the recruiter does not consider a satisfactory cover letter to be a fax cover page that simply states, “Please see the enclosed materials regarding [candidate].” A good cover letter is a detailed profile that can be up to several pages long. You also want to make sure that the cover letter does not contain any inaccurate or misleading information. Make sure that your recruiter takes the time to understand your background, accomplishments, and reasons for wanting to make a move, and that these reasons are communicated effectively in the cover letter.

Are there any firms that you do not work with, but that still could be a good match for me?

Most candidates don’t realize that recruiters who engage in

lots of cold calling need to choose “placer” and “taker” firms. The placer firms are those firms that are considered clients because the recruiter places attorneys into them. The taker firms are those that the recruiter calls to find candidates to take out. Let’s say Firm X has a position open that could be a good fit for you, but Firm X is considered a taker firm for the recruiter. Because the recruiter takes attorneys out of that firm, there’s a risk that the recruiter will not feel inclined to disclose the opening to you because it’s not one of the firms with which the recruiter has a placer relationship.

What role do you play in the recruiting process?

Some recruiters are very hands-on and will work closely with you during each step of the process. For example, they will spend time learning about your work history, your relevant experience, and your career goals; disclose available opportunities and provide insight and expertise on different firms; provide insight on your résumé to help present your experience in the most accurate and effective manner; collaborate with you when drafting your cover letter to ensure that your story is communicated in the most effective manner; help you choose the best writing sample or deal sheet; present your materials to the firms; follow up on submissions and keep you updated as to their status; help prepare you for the interview; debrief with you after the interview; support you when you’re feeling anxious about the process; and help negotiate your offer and other issues.

On the other hand, there are some “fire-and-forget” recruiters who will simply call to tell you about openings, ask for your résumé and transcript, submit you to the firm (with little or no background information), and only call you (or, worse, only return your calls) if a firm expresses an interest in interviewing you. Otherwise, silence.

Ask your recruiter to explain upfront his or her level of involvement in the recruiting process so you will know what to expect.

Am I obligated to work with you exclusively?

On several occasions, attorneys have told me something to the effect of, “I am very unhappy with my recruiter, but I foolishly agreed upfront to work with this person exclusively and I don’t want to upset him—and thus risk my chances at a firm where he submitted my name—if I switch to another recruiter.”

If you are happy with your recruiter, an exclusive working relationship is beneficial because it eliminates the risk of having two different recruiters present you to the same firm (which can severely undermine your candidacy). Plus, your recruiter will appreciate your loyalty and will likely reward your loyalty by working harder on your behalf. That being said, it really makes more sense for a recruiter to receive your loyalty by first earning your trust, not by coercing you to enter into an exclusive agreement from the very beginning.

If you are not satisfied with the recruiter’s performance after a few weeks or months (because, for instance, the recruiter is unresponsive), and you don’t feel comfortable expressing your concerns to your recruiter, you shouldn’t be precluded from seeking somebody else to help you. If a recruiter expects you to work with her exclusively from the very start, ask (facetiously) if she will agree not to represent any other candidates who

would be competing with you for your position of interest. (This will generate a nervous chuckle!)

If an otherwise impressive recruiter still insists on an exclusive arrangement, a reasonable compromise could involve granting that recruiter the opportunity to help you exclusively for a short-term period, such as 20 or 30 days, and if you are satisfied, you can simply continue working with that person exclusively as long as you want. If you're not satisfied, you can move on.

Does your company divide employers between its different recruiters?

Some search firms divide "ownership" of law firms among recruiters. If your recruiter has a large financial incentive to place you in a firm that is within his limited stable of firms—for example, law firms beginning with the letters "A" through "J"—you could unknowingly be steered towards a limited segment of the available opportunities. This is an especially important question to ask if you are working with one recruiter exclusively.

Are you a member of the National Association of Legal Search Consultants?

Some of the most common concerns attorneys have about using recruiters are whether the recruiter is actually providing honest and unbiased information about the position (as opposed to merely trying to "sell" the firm) and, more importantly, whether the recruiter will send out an attorney's résumé without his express permission.

Although the legal-recruiting profession is not regulated, the NALSC is a trade association of member search firms that agree to abide by the NALSC Code of Ethics. Under the code, a recruiter is required to provide you with the most accurate information about an employer, not withhold any information about an employer that would be relevant to your decision, and obtain your express consent before presenting you to an employer.

Although there are certainly very good headhunters who have chosen to not become members of the NALSC, and NALSC membership is not necessarily a guarantee of the quality of the headhunter, working with an NALSC member provides you with a concrete understanding of your headhunter's ethical obligations. (A copy of the code can be found at <http://www.nalsc.org/about/ethics.cfm>.)

Can I meet with you in person?

Because you will be aligning yourself with your recruiter, you will want to make sure that your recruiter's image is consistent with the type of person with whom you would want to be associated. For example, if a recruiter is somebody with an unprofessional image (such as wearing old jeans when meeting with law firm clients or ignoring coffee stains on a wrinkled shirt), this may not reflect too well on your own judgment in choosing the best person to represent you. On the other hand, if your recruiter looks polished and very professional—essentially, if the recruiter looks like a successful attorney at a law firm—this association can work to your advantage.

Attorneys can gain much more information regarding their recruiters—information that cannot be gleaned on the phone—simply by meeting them in person, observing the way they carry and present themselves, and speaking face to face.

If an in-person meeting is not possible, it is even more critical to review the recruiter's Web site (which should include the recruiter's biography, credentials, and experience) to understand the recruiter's professional background, his philosophy, and how effectively he presents himself to the legal community. (If a recruiter fails to present his own career in an effective and highly professional manner, he will likely do the same with yours.)

The goal of all of these questions is not to scare off a potential recruiter, but to clarify the terms of the relationship and to determine whether that recruiter is the best person to help you with your transition. That being said, if a potential recruiter gets annoyed with you for asking some of these important questions, consider this a sign in helping you decide whether you should place your career in this person's hands. But once you are armed with answers, you will walk away much more educated, confident, and, hopefully, much more satisfied in your next job.

Dan Binstock is the managing director of BCG Attorney Search's Washington, D.C., office, where he handles lateral associate and partner placements. Before becoming a legal recruiter, he practiced in a large D.C. law firm.