

I N S I D E   T H E   M I N D S

**Inside the Minds:  
The Art & Science of  
Legal Recruiting**

*Legal Search Experts on What Recruiters & Their Candidates Need to Know  
to Win Successful Placements in Today's Legal Market*



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# Finding the Right Firm

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**Delia K. Swan**

*Founder*

Swan Legal Search

## **The Profession**

Legal recruiting has become part of the fabric of law firms over the past several decades. Corporate legal departments and law firms look to the experts to provide them with experience, well-rounded attorneys. As a legal recruiter, it is my job to find fits between candidates seeking legal positions and the corporations or firms looking for the right person to join their team. In order to assess an employer's needs, it is best to meet with the attorney or group of attorneys directly, in order get the best sense of whom they are seeking and what their culture and expectations are. Since a meeting is not always possible, the next best thing is a telephone interview with the attorney with whom the candidate would be working most closely. Recruiting administrators can be invaluable as an information source, and often give insights otherwise unavailable by the attorneys. Most recruiting administrators are incredibly savvy, and can shed light on the position, department and the firm culture.

In order to find the best fit for my clients, I get to know the individual lawyers, the departments and the law firm or corporation in general. I then can easily determine who would be a fit and who would not based upon my experiences. Sometimes this involves pinpointing the pain or void the firm is looking to fix or fill; you can determine this by simply asking. But something like this is not always the reason for the search; often, new hires are simply a result of growth. On the other hand, if a firm has attempted to build a department in the past and has been unsuccessful, it's worth a thorough discussion as to what led to the failure(s). It could be a number of reasons, such as market timing, wrong personalities, insufficient business, or something else that helps us avoid repeating the same mistake.

## **The Value of Recruitment**

Before interviewing at a given firm, it's best to know as much possible about the workings, policies and employee experiences of that firm. Working with a legal recruiter affords you a wealth of information on a variety of firms and the positions therein. It's important to know the behind-the-scenes workings and opinions of the firm, and a recruiter is best in relaying that kind of information. Other ways to research a firm include

The NAALP forms, Vault forms, Martindale, and the like, which are minimally helpful. The firm's own Web site and the bios of the attorneys working there can shed greater light on a firm.

Before making a career decision or transition of this magnitude, it is important to consult with a recruiter or career counselor. A good recruiter wears both hats: recruiter and counselor. The consult should provide the benefit of his or her 'big picture' insights of the market at large throughout the years. We see many hundreds of resumes and watch careers grow, flourish or crash. We can give our informed opinion about how to build a career long-term, depending upon what the desired objective is.

The biggest challenges facing lawyers looking to make a career change is finding the requisite time to devote to conduct a thorough search. It's tough, because these lawyers still have enormous pressures to practice law where they are currently employed. I think this difficulty has always been present, and does not reflect emergent technologies or trends in the industry at this time.

### **Negotiation**

The time it takes to fill a position varies tremendously. I'm still working on a small acquisition that started over two years ago! On the other hand, I've had law firms extend a job offer to the candidate during his very first interview, and often a match is made. I think in general, in light of the 'decline' of Silicon Valley, coupled with post-9/11 issues and the myriad economic factors that have befallen the market this past five years, folks are a little bit choosier in their hiring. Firms want to interview more candidates than they used to for a given position.

There are a number of negotiation points on the table when entering the final stages of a potential deal between a candidate and a firm. Salary is often negotiable, but many times it is not, depending upon whether you are dealing with an associate or a partner. The partner salary is much more flexible, and it depends upon portable book of business, hours billed, level of expertise and need, as well as other factors. In terms of compensation, a candidate or new hire should always look for market value.

Geographic location, interestingly enough, is often negotiated. Many firms have various offices; often a candidate may prefer one office to the original one for which they interviewed.

For associates and lateral income partners, an important part of the negotiation is often the number of years after start date before equity partnership consideration.

It's actually relatively easy to find senior lawyers for positions if you're seeking a lawyer who doesn't bring a \$1M book of business with him. Most firms require that as a minimum, and those lawyers, being in greater demand, are easy to find, but tough to move: most firms try very hard to keep their top partners very content and happy.

When bringing in a new partner or very senior lawyer, issues such as secretaries, laptops, pension plans, hourly rates, business plans, originating and proliferating credit for clients, integration plans, marketing plans and other negotiation sticking points must be addressed.

As a recruiter, I have come across examples of points when someone is just too senior to leave and it just doesn't make financial sense. Often, folks are not primarily motivated by money, and in those cases, regardless of seniority, they'll be moving. On the other hand, if the attorney is truly a star and in great demand, there is always another firm that will entice him or her with greater compensation. The financial arrangements most often arrived at in these situations include a cushioned retirement plan, large salaries, and non-financial arrangements, such as managerial roles.

Good recruiters are aware of 'hot areas,' where a lot of firms are looking for senior lawyers in the same practice area. These areas are merely a reflection of the overall economy. If there are few IPOs going on and antitrust is strong, corporate is weak. Currently we see an incredible need in the real estate transactional and corporate areas, and there's a vacuum of talented attorneys of a certain vintage as the previous market dispelled them from their practice area. Thus, they are not easy to find and are consequently heating up the market even more.

## **The Dos and Don'ts of Landing the Job**

Presentation is critical when interviewing with a firm. First, and most basically, the appropriate interview wardrobe is Federal Court Attire. The presentation should include a firm handshake and good eye contact, two important components of a strong first impression. Approximately 80 percent of job offers are based upon chemistry. Try to relax and avoid arrogance. Be a good listener, don't interrupt, and be prepared in advance. The employer is going to be looking for experiences that reflect a person's motivations, maturity, and sense of responsibility. An employer wants a candidate with something that sets him or her apart from the pack. This could be a military record, travel experiences, or the handling of an appellate case.

When asked to identify best skills, an honest assessment is in order. Often in an interview, the question is asked: "What are your strengths and weaknesses?" The client wants someone with self-awareness. They are concerned with a candidate's ability to communicate clearly. Consider both past achievements and failures. One can best leverage skills acquired in former positions by highlighting them on the resume. During discussions, be sure to bring up relevant skills and experience to demonstrate your value to the employer.

On the flip side, a candidate needs to be thinking if this is the right fit for him or her. This depends of course on what the candidate's ideal situation is. Considerations include: geographics, expected billable hours, the "culture" of the firm and its level of collegiality, per-partner-profits, sophistication and diversity of client base, and, of course, the size of the firm. A national or international company provides a platform upon which to build business while a regional firm offers middle market clients that might better suit the candidate's comfort level.

It's a good idea for a candidate to determine the "ideal" position prior to launching a search. Keep this ideal in the forefront of the search, and, after interviews, make notes as to how close or far away from the "ideal" the particular opportunity is. It's helpful in the process to keep ongoing records, as it can get overwhelming.

Good interview questions to ask an employer include:

- What kind of cases/matters is the department working on?
- How are cases/matters staffed?
- Does an attorney get his or her own files? If so, when?
- What are some of the cases the interviewer has worked on, and which are those is he/she most proud of?
- Why did the interviewer join the firm, and has it met his/her expectations over the years?
- What is one of your typical days like?

When filling spots, law firms are most often seeking attributes like integrity, an excellent work ethic, and a big picture mentality. Obviously, intellect (both book smarts and common sense) is important to a potential employer. During an interview, certain attributes or past experiences will stick out as red flags. An example of this would be a “jumper,” or a person who has a demonstrated pattern of switching law firms or employers every two or three years. Also, past, or sometimes even current, conflicts with existing clients will stop the hiring process dead in its tracks.

### **The Interview Process**

Some of the best information is actually gained during the interview process. One learns, for example, whether the profit plan is fully-funded. A check of the State Bar can quickly determine if any disciplinary measures have been taken with any firm attorneys.

Word-of-mouth can also be helpful, but it's important to recognize that different people have different experiences at different times with firms; therefore, much of this type of information must be taken with a grain of salt.

Before one gauges the importance of equity, severance packages, bonuses and other incentives, many questions need to be considered. Is the bonus hours-driven, and is it contingent upon business generation? Equity partnership ranks are declining, as per a recent article that noted that the

average number of *nonequity* partners at American Law 100 firms increased to sixty-five this year, up almost 11 percent from the previous year. The number of *equity* partners, in contrast, grew only 4 percent. Most working relationships are ‘at-will’ and severance packages are usually offered when a situation arises that demands it out of fairness. While interviewing, remember to gain information, but don’t forget to ‘sell’ your talents. Be sure to let the interviewer know why you would be an immediate asset to the firm or company.

Informational interviews provide strong experience and allow the candidate to more completely assess his or her available options at a given firm, and perhaps even in the industry as a whole. In the same way, networking and maximizing and leveraging contacts are extremely important and full advantage should be taken of them. This does not necessarily hold true with something like an alumni network, in which the connections are a little more remote than contacting folks you already know and who can vouch for your integrity. Nonetheless, I find it very helpful for an alumnus of an obscure or “geographically challenged” law school to contact alums in the target employment city. Some law schools, like USC or Harvard, are very strong networking schools.

### **Making the Switch: Going Down a New Path**

A new path often means trading in a few years of seniority. A new hire’s “class year rank” will likely be reduced, as will salary levels. A candidate will want to be sure that the switch is sufficiently significant to be considered a “switch.” Going from a general corporate practice to real estate transactional in some ways utilizes a similar skill set, which should be leveraged, as opposed to making a switch from patent prosecution to health care, which have little in common.

The number of job transitions and career changes a lawyer will make over his or her career varies. It’s rare that one will begin a job after law school and retire at the same firms, but it’s not unheard of. Perhaps the average number of moves I’ve seen of an attorney who’s considering retirement is five. I think after an attorney gets a good two or three years of work out of law school, he or she should give a lot of consideration to the road taken.

It's a good time to make a switch, perhaps the best time in terms of switching practice area or moving from a national powerhouse to a smaller regional firm.

One of the biggest mistakes lawyers make in the way they approach their job search is a failure to fully assess all their options. I firmly believe that a lot of creative thought should be invested in the process.

It is hard to know when it is time for a lawyer to leave his practice or firm, but it is usually when he or she is bored, unchallenged, undervalued or underpaid, and when there is no room for growth or no platform for client development. A good rule of thumb is that when a lawyer realizes he or she truly dislikes his day-to-day situation, then it's time to leave. They should then become emotionally ready for a search and know ahead of time what their ideal result is. Then they should secure an excellent recruiter to guide them through the spectrum of options and work together to find the ideal situation. They shouldn't settle for less, unless they are facing obvious time constraints or other like factors.

### **Industry Changes and Challenges: Past and Future Trends**

It's been an interesting decade. The job search has not changed dramatically over the last five or ten years for lawyers, but will begin to do so in the coming years. A legal recruiter could pontificate endlessly and hypothesize like the economists do in their trade. You might go with the "drunken man" or "hemline" theories, which always seemed a bit silly to me. I remember these textbook theories from Economic Theory 101. What I see is an interesting trend wherein the beginning of a decade is strong and the end is relatively flat. You could go back about thirty or forty years and accurately apply that same trend; on the other hand, I would not project that information forward. Law is a reflection of the general, regional, national and global economies. Since we are coming from a perhaps unprecedented dismal time (dot.bombs, 9/11, and Brobeck, just to name a few), what I do see is a more selective process on the part of law firms in choosing lawyers. I also see a greater reticence on the part of lawyers to leave their current seeming secure position. These ~protective walls~ will diminish over time.

The Internet has had profound effects on legal recruitment, not the least important being that it's just a lot more fun! We see resumes from around the world that expand our knowledge of international legal systems. We are in a better position to place in Shanghai or London or Tokyo now than we ever were before.

### **Golden Rules and Advice**

The three golden rules to legal recruiting center around diligent follow-up, integrity, and creative thinking. These relate to the two golden rules for lawyers seeking to land the best jobs possible, which are to work with a recruiter whose primary interest is in finding the right job for him or her and to be realistic while also being open and flexible to ideas. When these rules meld and you find synergy between the recruiter and the candidate, you will find a great placement with lots of potential. The best advice I've ever heard, and in turn, give to others, is to focus on what you enjoy and don't lose this focus: go after it and enjoy it! I would also pass on the advice that, as in any business, the keys to success are integrity, honesty, trust, and taking the high road gracefully in all situations. If you do that, you cannot lose.

*The Swan Legal Search Team is led by its founder, Delia K. Swan, Esq. SLS emerged in November of 1997, and within three years it was named by The Los Angeles Daily Journal as one of California's top ten recruiting firms for the placement of both partners and associates.*

*Ms. Swan earned her undergraduate degree from UCLA, and she graduated from USC Law School in 1990. During law school, Ms. Swan externed for The Honorable Arthur L. Alarcon at the Ninth Circuit Court of Appeals. She then practiced transactional law for over six years in Los Angeles prior to starting SLS. Ms. Swan is married to a terrific guy (who happens to be a litigation attorney at a prominent Los Angeles law firm), and they have two daughters, now teens, who are the joy of their lives. She also has two scrappy rescue dogs, two cats and a dozen chickens, all of whom keep her honest.*



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