

Is it time to call a legal recruiter?

A lawyer's guide to the world of professional recruitment

JUNE 10, 2024 • BY DANIEL FISH



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If you're feeling lousy about your job, you likely have a specific complaint. Perhaps you're convinced that your compensation, when measured against your skill set or ability to rack up billable hours, is too low. You might be itching to collaborate with senior colleagues on advanced legal strategy, but your boss refuses to trust you with anything other than routine grunt work. Or maybe you're livid that, after netting yet another client, you're still languishing as an income partner. The obvious solution, you've started to think, is to leave and take your talent to a competitor.

You could be right. But caution is paramount. You don't want to scatter your resumé all over Bay Street, a risky operation that your current employer may hear about, only to discover that your salary is in line with what you'd earn at another firm. Or that your caseload is appropriate for a lawyer with your level of expertise. Or that your book of business lacks the kind of clients that would justify a promotion to equity status in any partnership. Before upending the direction of your career, you'd be wise to consult a trusted advisor, someone who understands the intricacies of the legal marketplace and can help you determine if landing a new job is the best way to improve your situation. A mentor, a career coach, a well-informed friend—all valid options. Alternatively, you could place a call to a legal recruiter.

In law, recruiters play a powerful behind-the-scenes role. When law firms or in-house departments need to hire a lawyer, they regularly turn to recruiters to hunt down the perfect candidate. Recruiters conduct each search on multiple fronts. One tactic is to look for an applicant in their own database of ready-to-move talent: people who've reached out and expressed an interest in leaving their position. Another common method is to advertise the opportunity on a job board. Most importantly, though, recruiters will make discreet overtures to lawyers who might not be looking to move but, when tempted, will sometimes entertain an attractive offer. Surreptitiously luring talent away from the competition is perhaps the most valuable service that recruiters provide. Ultimately, when recruiters fill a position, the employer pays them a percentage of the new hire's annual compensation.

Experienced recruiters, therefore, have an intimate knowledge of the legal market. When you're frustrated with some aspect of your career, they'll know how likely you are to find something better by switching jobs. If you decide that it's time to contact a recruiter, here's what you can expect.

Playing matchmaker

During an initial call or meeting, a capable recruiter will besiege you with questions, tailored to your unique circumstances. The objective, in part, is to understand why you're considering a change. Are you aiming to make more money? Achieve a healthier work-life balance? Handle more sophisticated legal work? Next, the recruiter will collect an abundance of information about you as a lawyer, including your education, job history, volunteer positions, practice area and client roster. At the end of the conversation, the recruiter might issue a blunt verdict. Perhaps you'll need to improve your book of business before you can realistically hope to land a better-paying role at another firm. Or, maybe, the only way to work fewer hours is to leave Big Law and accept a pay cut. Such assessments might come across as unhelpful, but that sort of candour is a sign of probity. A recruiter who seems overly eager to place you at another organization may not have your best interests at heart.

Of course, the discussion might lead to an altogether different conclusion: that you *would* benefit from finding a new job. In that scenario, you'll earn a spot on the recruiter's database of moveable talent. You'll then have to wait until the recruiter identifies a promising opportunity—something in step with your skill set and career goals—and sends it your way. When that day arrives, hurl every possible question at the recruiter. Ask about the compensation. The culture of the workplace. The billable-hour target. The bonus structure. The personality of the lawyers you'd work alongside. Nothing is off limits. In fact, a diligent recruiter will want to supply you with whatever information you need to evaluate your suitability for the role.

Once you choose to pursue a job, you won't have to write a traditional cover letter. Instead, the recruiter will apply on your behalf. If the employer is interested, the next step is a formal job interview. Again, the recruiter will offer practical guidance, helping you anticipate the questions you're likely to face and warning you about any reservations that the employer might have about your candidacy. You should then be prepared to show up to the interview and deliver a first-rate performance.

Depending on the position, you may have to interview multiple times or meet with additional partners or wait as the employer deliberates over the hiring decision. In the end, there's no guarantee that you'll secure the job. But this is, broadly speaking, how contacting a recruiter can kick-start a new phase in your legal career.

Recruitment conundrums

The job market is friendliest to particular kinds of lawyers—well-trained associates, profitable partners—who can make an immediate impact on any legal team. But most recruiters will happily speak with new calls. If you're at the very start of your career, don't hesitate to book an initial meeting. Though it may not lead to a job, it's a chance to obtain valuable career advice and build a meaningful professional relationship. As you develop your skills and progress as a lawyer, stay in touch with the recruiter, who will naturally keep you in mind should an opportunity arise.

The entire profession, meanwhile, should bear this advice in mind: select a recruiter who will act with discretion. Although it's rare, there have been stories of less-than-scrupulous recruiters sharing a candidate's resumé with an employer before obtaining that lawyer's permission. You can't risk that sort of damage to your reputation. The best course of action, in most cases, is to ask a trustworthy connection for a referral. You're looking for the following endorsement: "Based on my own experience, this recruiter is transparent."

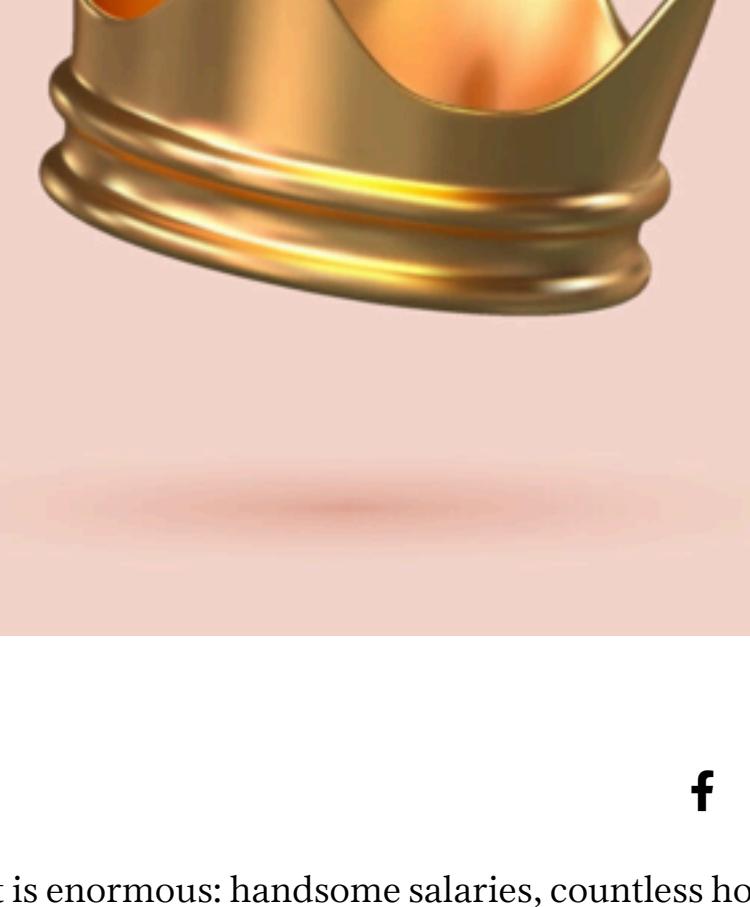
Then, once you've reached out, make sure you're dealing with someone who truly wants to help. The ideal recruiter will ask thoughtful questions, offer insightful advice and propose fresh ideas. Seek out *that* person. After all, looking for a new job is hard. It's a lot easier if you don't have to do it alone.

Daniel Fish is the editor of *Precedent*. After joining the magazine more than a decade ago, he's reported on dozens of topics, including the legal economy, mental health and partner compensation. In that time, he's received several leading journalism awards for his long-form writing.

Treat your top lawyers like royalty

If you want to impress (and keep) your best talent, you'll need to scrap the annual review and end your obsession with origination credits

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When law firms take on a new crop of associates, the cost is enormous: handsome salaries, countless hours in training, a promise to pay out regular bonuses. Law firms happily commit to those investments, in order to land and nurture top talent. And yet: once associates start to tiptoe toward partnership, at around the five-year mark, most firms will watch on—and do nothing—as the vast majority of those lawyers leave.

That's no accident. In fact, the private-practice business model relies on attrition. Every year, law firms recruit a large number of junior associates, who then generate much-needed billable-hour revenue. If all those associates reached equity status, however, that would dilute the draw of each existing partner. The long-term objective is to retain the small number of lawyers who might increase the firm's profitability enough to justify admission to the partnership.

Here's the problem: the competition for that select group of lawyers is fierce. Let's say you've turned a once-flailing law student into a senior associate with rare legal skills that clients value. Or perhaps a junior member on your team has the entrepreneurial pluck of a future rainmaker. Eventually, your competitors will notice and hatch a scheme to poach those people away.

That's the core challenge that law firms have to confront: how to retain first-rate associates who could attract a great deal of interest on the open job market. Below, you'll find seven strategies that leaders in the profession—including small-firm owners and senior partners in Big Law—can deploy to keep the most coveted lawyers on the payroll.

1. The money factor.

In a recent survey of associates in the United States, the research team identified which lawyers were “most likely to leave” their current firm—and asked what lay behind that desire to make a move. The most commonly cited reason was compensation. In a profit-driven industry like law, that finding should come as little surprise. Still, it's worth reiterating the following point: you need to reward your top talent with salaries and bonuses that reflect their contribution to the firm.

2. Ditch the annual review.

As an attentive leader, you no doubt approach annual performance reviews with a noble goal: to deliver constructive advice that helps your team improve. In practice, though, it rarely works out that way. Unless you offer nothing but compliments, it will sound like you're spitefully dredging up past mistakes—the poorly composed factum, the badly argued pleading, the one missed deadline—that no associate has the power to correct. Even the most resilient junior lawyer will leave the process hurt and drained of morale.

Now imagine the following scenario. You've conducted an annual review with a skilled associate, at which you described several instances of lacklustre work from the previous 12 months. One week later, a legal recruiter surfaces on LinkedIn to tempt that lawyer with an opening at another firm. With the pain of the review still fresh, your promising associate is more likely to write back and entertain the opportunity.

Fortunately, it's possible to provide useful feedback without pushing your talent into the arms of a recruiter. When you're displeased with some aspect of an associate's performance, tell that person *immediately*. That way, at the end of the year, you won't have to unload a long list of saved-up complaints. Your next step is to replace the annual review with a forward-looking meeting that sets clear expectations for the year ahead: what skills to develop, perhaps, or how much business to generate. With those reforms in place, you can then take comfort in the knowledge that, when a recruiter does target your elite talent, those LinkedIn messages will go unanswered.

3. Champion the talent you hope to retain.

If you believe in the long-term value of a particular associate, share that opinion with the broader partnership. Talk about what that lawyer brings to the firm—such as strong ties to an important client or specialized legal knowledge—that would be difficult to replace. That sort of internal advocacy plays a central role in who advances up the law-firm hierarchy. Staying quiet, by contrast, increases the risk that your associate will stagnate, feel aggrieved and one day hand you a letter of resignation.

4. Don't succumb to origination-credit paranoia.

To have a real chance at partnership, associates need direct contact with clients. This is the only way to learn crucial networking skills and build a wider reputation. As a senior lawyer, you can help. Invite your all-star associate to an upcoming lunch with a general counsel. The next month, arrange an informal visit to a client's office and bring your pupil along. By making the associate's professional growth a priority, you'll send a clear message: *If you stay, I'll provide you with a platform to become a truly great lawyer.*

Yet this doesn't happen nearly as often as it should. In truth, partners sometimes bristle at the prospect of an associate forming a close working relationship with a key client. How could that be a bad thing? At most law firms, partners earn an origination credit—and, in turn, a tidy raise—simply by answering the phone when a client calls to pass along a new file. Some partners worry that, if an associate becomes too popular, a client may ring that person instead. And so the kinds of encounters that would bring those two parties together never take place. This type of self-interested behaviour is widespread throughout the industry: a paper on the economics of private practice, published by Harvard Law School's Center on the Legal Profession, found that internal competition for clients can cause partners to “regard a colleague's gain as their loss.”

That mindset, however, is deeply flawed. When you ask elite rainmakers what propelled them to the mountaintop, you won't hear anything about hoarding contact with clients. Rather, these lawyers relentlessly pursue new business, by taking hundreds of meetings throughout the year. If you want to maximize your compensation, do *that*. Then, please, provide the associates in your practice with the client contact they need to thrive.

5. Follow your firm's principles.

Perhaps you've launched a litigation boutique and told new recruits that you care about work-life balance. Having made that pledge, you've lost the right to send urgent emails over the weekend. Maybe you sit on a compensation committee that has vowed to ruthlessly reward client development. No matter how you feel about that philosophy, you have to carry it out. The bottom line is this: once you violate your firm's stated value system, you'll lose the confidence of your team—and even your best people will begin to leave. (The implosion of Heenan Blaikie, by the way, is a potent case study of what happens when a law firm abandons its long-standing ideals.)

6. Address burnout.

In the modern legal profession, junior lawyers carry an immense workload. As I've written in the past: “At many of Bay Street's top firms, the average associate lives under an annual billable-hour target between 1,750 and 1,900. Those figures translate to about seven and seven-and-a-half billable hours each workday.” That burden routinely chases gifted legal minds out of private practice.

But there is a way to stanch the bleeding: let associates bill fewer hours in exchange for a reduced salary. When a valued member on your team desperately wants relief from the demands of the job, why not offer an arrangement that lightens the lawyer's workload and safeguards the firm's profitability? The downside is virtually non-existent. Even if the associate rejects the deal and quits, you were probably going to lose that person anyway. The potential upside, meanwhile, is that you retain a fabulous lawyer. Clearly, it's worth a shot.

7. Set a positive example.

Few senior lawyers realize this fact, but it's the truth: associates watch you all the time. If you bicker incessantly about origination credits, work most weekends and regularly gripe about colleagues, your associates will start to wonder, *If that's what it's ahead, why would I ever want to make partner at this place?*

To put it another way, associates won't stick around unless they want some version of *your* life. The solution is to foster a workplace culture that minimizes the likelihood of bitter infighting and allows all lawyers, yourself included, to find meaning outside the office. Not only will this improve retention—you might enjoy the practice of law a lot more, too.

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The new era of associate pushback

Inside law firms, junior lawyers have started to take issue with certain clients on ethical grounds

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You can't practise law without a client. No matter what sort of legal career you hope to build, you need to handle cases on behalf of actual people or institutions. That requirement can lead to an uncomfortable situation: representing a client whose conduct cuts sharply against your personal values. If you work in the corporate group of a large law firm, you may have to counsel an oil company that contributes to climate change. If you land a role at a civil-litigation shop, you may have to defend a police department that's been accused of misconduct. To be sure, those organizations have a right to legal advice. Yet that fundamental truth has made it difficult for lawyers to betray any discomfort about working with a particular client—out of concern that the disclosure would come across as an act of weakness and harm their reputation as a committed professional. That norm, however, has started to shift.

At Harvard Law School, Scott Westfahl is in a unique position. As a professor, he's in constant contact with students. But he's also the director of the school's executive education program. Roughly a dozen times a year, top lawyers—based mostly in North America but also in Europe—arrive on campus to hear him and his colleagues deliver a crash course on some aspect of law-firm leadership. "It's a rare privilege," he says, "to teach both law students and very senior lawyers."

In recent years, Westfahl has noticed a persistent trend: the desire among new lawyers to reform core tenets of the private-practice model. The longstanding lack of work-life balance is one complaint. So, too, is the typical large-firm client roster, which tends to feature a pretty tough slate of corporate interests, including carbon-emitting energy concerns and tech companies that amplify and accelerate the spread of misinformation. A small cohort of associates has even asked to opt out of casework that conflicts with their values. Importantly, Westfahl insists that the anxiety around helping clients who've engaged in troubling behaviour is not new. "I teach motivational psychology," he says. "I don't believe there are significant motivational differences across generations." What's different today is that more associates have the confidence to express those misgivings out loud.

The source of that confidence, Westfahl argues, lies primarily in the job market. Compared to talent in previous decades, associates now have a broader range of career opportunities. Big Law, of course, is still an option. But boutiques have surged in number. In-house teams offer attractive roles with high salaries. And it's easier than ever to launch a small firm or operate as a sole practitioner, due in large part to the arrival of modern tools enhanced with generative AI, which can streamline practice management and perform high-level research. Those developments have empowered associates to issue bold requests in the workplace; after all, if the higher-ups say no, it won't be terribly onerous to leave and find a new position. Back in the 1990s, when Westfahl was a large-firm associate in Washington, D.C., he had fewer career opportunities. "I wanted work-life balance. I wanted meaning and purpose. I wanted flexibility," he recalls. "I couldn't ask for those things because I didn't know where else I could get a job."

Though junior talent has the market power to speak up on controversial topics, management isn't necessarily accustomed to hearing those opinions. When Westfahl speaks with law-firm leaders, he likes to issue a reminder: "You're bringing into your firms some of the most talented lawyers you'll ever see. The fact that they're coming in and wanting to have a voice is a really good thing." To students, he has a different message: "Have courage, but also approach tough conversations with empathy and curiosity. Don't just criticize the system. Try to understand why it's there." Both sides, in other words, have an obligation. Below, you'll find concrete advice on how leaders can approach this period of transition—and how associates can push back with respect.

How to lead the younger generation

If you're in management, it's crucial to appreciate that this is not a fleeting dilemma. What Westfahl has observed at Harvard is part of a wider phenomenon. One recent survey found that nearly two-thirds of junior lawyers in the U.K. believe "employers should allow them to refuse to work on certain matters for ethical reasons." And last year, about 170 lawyers in the country signed a high-profile pledge to withhold legal advice on any matter that would support "new fossil fuel projects" or target "climate protesters exercising their democratic right of peaceful protest." That viewpoint will likely proliferate in the years ahead.

Here's the practical implication of that reality: if you depend on the willingness of associates to take on seemingly objectionable clients, you'll need to demonstrate that your work contributes to the greater good. It's true that, on occasion, clients will ask a lawyer to pursue a patently baleful legal action. Suppose that someone instructs you to bombard a former spouse with a battery of meritless claims. You'll have a hard time convincing anyone that such litigation—whose sole function is to make another person's life a misery—is an honourable use of your talent. In most cases, however, the narrow interest of a client does have some overlap with the broader interest of society. That's what you need to communicate to your team.

As a starting point, hold a kick-off meeting whenever you launch a file. Bring the legal team together. Talk about the client. Examine the issues at play. Then discuss how the casework will advance justice. If you've been retained by a mining company that hopes to break ground on a new operation, describe your plan to keep the client's conduct in accordance with environmental laws. If you've landed a client in the manufacturing industry, announce your intention to draft policies that will protect workers across its global supply chain. As the months unfold, continue to highlight the larger purpose of each task. This approach might not come naturally, but it can have a powerful impact.

Still, a moment may arrive when an associate simply can't bear the thought of representing a specific client. In such a scenario, consider allowing that person to abstain. Assuming that the lawyer is capable and hard-working, providing that flexibility could help you retain a talented member of your team who's otherwise totally committed to the job.

The right way to push back

If you're an associate, meanwhile, you have to puzzle through the best way to raise an ethical concern in the workplace. Perhaps a partner has asked you to assist a major oil company. Yet you're profoundly troubled by the knowledge that, over decades, certain companies in the energy sector told the public that carbon emissions had no influence on the climate while reportedly coming to the opposite conclusion in their own research. To put it plainly, you have no desire to aid such an industry. What options do you have?

You could refuse to participate in the file. You could accept the assignment, resent every second of it and eventually quit. Or you could do the ostensibly impossible: share your opinion with the partner and collaborate on a solution. If you're sincerely grappling with an ethical conundrum, a reasonable boss will hear you out.

But it's vital to broach the subject with tact. After disclosing your reluctance to represent a client, admit that you might not recognize every nuance of the situation. You might say: "I know that you've advised this client over many years. What motivates you to take on this work? Have you ever had concerns of your own?" Maintain an open mind. You may learn something about the client that persuades you to withdraw your opt-out request. Even if that doesn't happen, you'll have at least engaged in a good-faith discussion and built trust with the partner.

Realistically, you can't interrogate the righteousness of your assignments all the time. That will test the patience of the partner. If you pick your spots, however, it's truly possible to have a fruitful conversation. What's more, by speaking out, you could make it easier for other associates to come forward with similar concerns. Indeed, meaningful reform often comes to pass because a lawyer has found a way to push back from within.

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Illustration by Sam Island