



DELIVERING STRATEGIC SOLUTIONS ACCA'S 2000 ANNUAL MEETING

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Suggestions on Selecting and Using a Search Firm

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Selecting a Legal Search Firm

1. Although search firms are one avenue to an in-house position, understand that they represent only a small percentage of the market. Most lawyers who obtain a new in-house position do so without going through a headhunter. Personal contacts (or "networking") appear to account for the majority of in-house moves. Advertisements in legal periodicals and the financial press (such as the Wall Street Journal) also account for a significant percentage of in-house moves. Some companies will advertise on their own in conjunction with using a search firm.
2. Although almost all legal search firms claim to do some in-house placement, the truth is that, by and large, in-house work is only a small percentage of their business. Most legal search firms are small "mom and pop" operations. Getting in-house assignments is difficult, and small search firms do not want to spend precious time marketing to corporate clients who will offer only one, perhaps two, search assignments. This is particularly true, as now, when law firm hiring is so robust. Legal search firms would prefer to do law firm recruiting, which entails increasingly higher fees and multiple assignments. When assessing a legal search firm, ask them pointedly what percentage of their placements is in-house vs. law firm.
3. The general rule of thumb is that the lions share of in-house work goes to search firms that are (1) the longest running in a particular geographic area; (2) the largest; and/or (3) devoted to that sector of the market. Why? Most in-house work derives from networking and referrals from lawyers who have worked with the search firm in the past. It stands to reason, then, that a search firm that has been around the longest and has the largest number of recruiters will have a larger network from which to draw these referrals. The exception is a search firm that has chosen to specialize in in-house work and has focused their marketing efforts solely on that segment of the market.
4. Interview the search firm. Find out which recruiter within the search firm does most of the in-house work. Although this is not the case with our firm, many search firms assign one or more persons to be their in-house "specialist."
5. Should you use more than one search firm? Typically, I advise people to do so, especially if they are going to be difficult to place. But there is a point of diminishing returns. If I learn that a candidate is using every search firm, then I have no incentive to spend much time with this individual. If you are flexible geographically, then I would advise you to select the best headhunter in each location where you have an interest. Using multiple headhunters within one geographical area, again, reduces the incentive of a search firm to represent you. I respond most favorably to candidates who say they will work with me exclusively; I reciprocate by advising them that it may be in their best interests to use another search firm and I will typically suggest which one to use.

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Initial Dealings With the Search Firm

6. Send your resume to the recruiter with a cover letter stating the parameters for your search: type of employer (in-house only or whether you would consider a law firm); position (if you insist on a general counsel position, be prepared to be patient); geographical preferences/exclusions; and compensation parameters. The latter is important. Companies are increasingly insisting on knowing "up front" what the money expectations are. In part, this relates to the highly publicized salaries within law firms. Companies do not want to waste their time on candidates with unrealistic expectations. Speaking of unrealistic expectations, it may make sense to bounce your letter off someone you trust before sending it to the headhunter. When I get letters from second-year lawyers seeking a general counsel position with a major company, these candidates have branded themselves forever as unrealistic and, therefore, unplaceable.

7. It is better to have a personal meeting with your recruiter. Two reasons: (a) you will have a better opportunity to "present" yourself to the recruiter and impress him/her that you're a good candidate; and (b) you will pick up more information about the market and what kind of opportunities might be available. But this is a touchy area. Candidates who "insist" on a personal meeting or who are pushy in this regard will meet stiff resistance. The best recruiters are very busy and cannot meet with everyone who wants a

personal meeting. I cannot conduct a personal meeting for much under an hour; a telephone interview takes 15-20 minutes. These, of course, are simply the preliminary meetings. If a lawyer becomes a serious candidate for a client of mine, then I will spend more time getting to know that candidate.

8. Much can be said about resumes, and I cannot do justice to this complex subject here. Some observations, though:

a. I do not reformat or re-write resumes, in the strong belief that my clients deserve to see an unabridged version of what the candidate has to say about themselves.

b. I want to see a complete time-line of the candidate's professional history. Our firm keeps all versions of a candidate's resumes. Any discrepancies or unexplained variations, particularly with respect to dates or omitted employers, are noted and usually result in a candidate's being eliminated from consideration. I do not accept the argument that "I was just there a few months so that job really wasn't important enough to include on the resume." Clients want and deserve the whole story. If there is bad news, then I'm more than willing to listen to an explanation. Masking dates or periods of employment is a red flag.

c. Another red flag: lawyers who "re-invent" their experience by emphasizing practice areas that are currently in vogue (for example, intellectual property) but which, in fact, represent only a fraction of their actual experience. Remember: recruiters read hundreds of resumes and are adept at ferreting out information. Be wary of planting red flags.

9. When you're speaking with a recruiter (either in person or by telephone), honesty is the best policy. Be candid about professional failures or difficulties. Self-promoting types who talk extensively about their attributes are a turn-off. There is a fine line between getting your story across and being self-important or arrogant. Candidates who really impress me are those who have come across as genuine, friendly, confident, well-spoken, intelligent, and professional. Pompous, stiff, overbearing, boring, unprofessional (it's astonishing how many people use vulgar language in interviews), or overly serious types move to the bottom of my mental list. A sense of humor is crucial and almost always on the list of attributes specified by a client. Become a real person to the recruiter, not a wooden "candidate." If a recruiter is enjoying the conversation with you, you will naturally get more time with the recruiter and are likelier to pick up more information that will be useful to you.

10. Ask the recruiter to be candid with you about your prospects through that search firm. Again, this is a sensitive area. Because I cannot predict who the next client might be, or when a search will arrive, I hesitate to discourage people entirely, unless I am fairly certain that I will be unable to assist them. We try to be very candid with candidates about their prospects. The worst sin a headhunter can commit (other than sending a resume without the candidate's permission) is to lull the candidate into a false sense of security. I try to give the candidate the "odds" of my placing him/her, so that they will be able to plan accordingly.

11. Realize that the recruiter is a creature of the client's requirements. Everyone knows that your law school or academic standing do not, by themselves, define great lawyers from lesser ones. But if a client wants Harvard Law Review, that's what they're going to expect. In 99% of searches, the recruiter hasn't defined the profile of the ideal candidate; the client has. The client is often assisted in this regard by their trusted outside counsel, who will have their own "pet" prejudices or preferences. Recruiters may be able to convince the client to modify their parameters (especially if, given the market, these are unrealistic. We were once given a search where the client stated that they wanted a Rhodes Scholar. We thought they were kidding until they gave us the directory of US-based Rhodes Scholars!); but our power is limited. Clients are increasingly savvy about what they want, and what the market will bear. As more and more attorneys enter the in-house world (often in non-legal jobs), this savviness will only increase.

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Ongoing Dealings with the Search Firm

12. Stay in contact with your recruiter, but do not become a pest. E-mail is an especially good way of staying in touch because it keeps you on the recruiter's "radar screen" and efficiently so. Trading voicemails simply to let the recruiter know you're still in the job market is a waste of time.

13. Realize that your sense of urgency about your search has no bearing on the job market. When a candidate tells me that they are "now really serious" about getting their search underway, I remind them that being "really serious" does not create new jobs. What it does is raise a red flag that the candidate's availability is not of their choosing. Especially troublesome are candidates who initially tell me that they are just sending their resume "to update your files but I'm not really looking" and 10 days later they are bombarding you with telephone calls.

14. Headhunters have long memories. Candidates tend to be very responsive when they need you to find them a job, and then become curiously inaccessible and distant once they've found one. I will work hardest for a candidate with whom I've established a good, honest, mutually beneficial, long-term relationship.

15. Take some initiative. If your recruiter submits you to a client, you should ask the recruiter what the procedure is on that particular search. What you want to know is how many other candidates have been submitted, how you stack up against the competition, and what are the "hot buttons" for the client. Again, this is a touchy area, because you are asking the recruiter to reveal inside information when the recruiter has little incentive to do so. Be sensitive to the fact that there are certain areas that they recruiter cannot get into (names or employers of other candidates, for example). I believe that candidates are entitled to know generally about what they are facing in a search. For general counsel searches, we will typically submit a slate of 5-12 candidates, depending on client preferences. I will often tell a candidate that -- compared to the competition -- they are a bit weak in, say, M&A or transactional work. In this way, the candidate has an opportunity to elaborate on his/her experience that will better assist my client in evaluating them. I believe candidates should be presented to clients on as level a playing field as possible. If a candidate's resume is not as detailed as other resumes being presented to the client, that candidate is at a natural disadvantage and they deserve the opportunity to remedy it. The candidate should take the initiative, however, in asking these questions of the recruiter. Otherwise, the recruiter may not feel obligated to disclose much about the details of the search.

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