

How attorneys choose law firms

As professional search consultants, part of our job is to counsel candidates on a daily basis as to how they should choose between competing law firms. There is a considerable degree of insight that is needed to understand the psychology that people attach to choosing between competing offers and, contrary to popular perception, candidates do not always choose to work in the highest paying or most prestigious law firms. Understanding why candidates choose one firm over another can help you both attract and retain employees after they are hired.

While there are exceptions, most candidates choose between competing law firm offers based upon

- the perceived prestige level of the firm,
- the perceived sense of importance that the candidate attaches to working in a given firm,
- whether or not the candidate perceived that he or she will be assimilated in a socio-cultural perspective into the firm,
- the perceived work offered,
- the candidate's perceived advancement potential in a given firm, and
- money

As we analyze the placements we make, even we are surprised to see that the least important consideration to most candidates is the money offered. How law firms deal with the perceptions that motivate candidates' choices to join a given firm is of paramount importance in the recruiting of talented people.

RULE 1: MOST CANDIDATES WILL CHOOSE A FIRM BASED ON THE FIRM'S PERCEIVED PRESTIGE LEVEL

While there are exceptions to this rule, candidates will generally pick the most prestigious (i.e., well known) firm over a less prestigious firm. For large national law firms, there is certainly a drawing power that the firms have over more regional or smaller competitors that to some extent *allows them to exert control over the hiring process*. Larger firms may have more interesting work, a greater variety of work, more stability, the opportunity for \$1,000,000+ annual salaries at the partnership level, high quality people who will be the candidate's colleagues and a whole variety of other positive factors.

OBSERVATION: *As a general rule, most candidates in top law firms crave stability and want to be high achievers, and as a result have great fear about what others think of them and tend to be very risk averse as well. Perhaps because we are a consumer and brand-oriented culture, however, many candidates are attracted by name brands at the expense of logical decision making.*

The drive to join large national law firms is something which is quite understandable once you realize that people are people when it comes to brand consciousness and attachment of importance to the perceived value of the work one does. People are conditioned during college and law school, as well as after their school years, that more prestige is better - if not essential -

to the advancement of their careers. Again and again we see candidates choose more prestigious firms over the less prestigious firms. People often do this after they have told us at the commencement of a search that they are seeking a smaller or more congenial firm and not a major national law firm. Accordingly, we generally put a great deal of effort into working with candidates to make sure they are clear about their goals before we ever start working with them.

OBSERVATION: *A candidate who does not get into a prestigious firm for his or her first position and desired to do so will often continue trying - again, and again - to get into a prestigious firm after they begin working because they have been so thoroughly conditioned to believe that bigger and more prestigious is better. It is, incidentally, for this same reason that larger and more prestigious firms often do not have any problem attracting talent at most points in time and skill levels.*

While we believe prestige is the most important aspect that candidates consider when switching jobs, it should be emphasized that how a smaller firm handles the issues below will generally influence whether or not candidates will join a firm with a prestige level they initially perceive to be below that of other firms.

RULE 2: THE SENSE OF IMPORTANCE CANDIDATES ATTACH TO WORKING IN A GIVEN FIRM WILL STRONGLY INFLUENCE WHETHER THEY ACCEPT EMPLOYMENT THERE

While the perception for many candidates is that a name brand law firm is "safe" - and

conversely that a lesser-known firm is not safe -- smaller regional firms can certainly beat larger law firms in the competition for talent if they understand how candidates think and the advantages they offer over large law firms. The sense of importance a candidate attaches to working in a given firm is often paramount in their decision to join one firm over another.

Candidates are attracted by firms where they can feel that they do important work and are respected for doing it. It should go without saying that not every firm can engender this sense of importance to the degree many smaller firms can. Accordingly, this is one reason smaller firms often win star talent over their larger firm counterparts and vice versa.

In watching certain smaller firms grow, we are amazed by how good some of them have become in recruiting high-level candidates with some of the most outstanding qualifications imaginable. Firms which are the best at recruiting are able to interest candidates in their firm and get candidates to work there by tapping into the needs that candidates have for both prestige and a sense of importance. How masterfully this is done will have a lot to do with the firm's success in getting young candidates to come and work for them.

OBSERVATION: *It should go without saying that large, prestigious law firms can make candidates, both associate attorneys and other staff members, feel important by joining them. In fact, we believe this is why candidates join most large law firms and do so regardless of how they actually feel about the firm. However, for the most part, larger firms often become complacent and*

feel they do not need to make candidates feel important and can rest on their laurels. This is one reason why smaller firms can become good competitors for the same talent and steal star talent away from larger firms.

One of the most brilliant hiring partners we know from a recruiting standpoint is extremely good at making associates feel they are joining something important. In fact, this hiring partner's ability to do this may be one reason this firm has increased from less than 5 attorneys 15 years ago to over 100 today. When this partner sees a resume from a candidate he likes, he immediately calls the candidate and says something to the effect that he gets hundreds of resumes a week and generally just throws them in the trash. He then tells the young recruit that their resume is one of only a few resumes he has seen in a long time that caught his attention. He tells the young charge that his firm is the best firm of its kind in the United States. He tells the recruit they have top graduates of Harvard, Yale and Stanford and other schools. Incredibly, the young recruit may have never heard of the firm or know very little about it whatsoever; nevertheless, the attorney quickly realizes that there would be a real benefit to interviewing in this type of firm.

When the attorney arrives in the Firm, they are paraded in front of a number of highly qualified attorneys who invariably have far better qualifications than the young recruit. They are told that the firm is doing extremely important work and so forth. They are told the firm is working on the most important deals. They are told the

partners make more money than at other firms. The firm showers them with press releases and promotional materials. They are told the firm is a better place to work than other firms and on and on. The firm does such an outstanding job with all of this that the young recruits cannot help but be impressed. Very few candidates who are interviewed by this firm turn down offers when they get them.

OBSERVATION: *Most firms that are able to attract truly star talent do so by identifying what makes an attorney feel important. They make candidates want to work for them.*

Communicating the firm's strengths in a way that is memorable and distinguishes a firm - even if it is in a far away place - can enable firms to attract star talent and make them choose the firm over its competitors. What is most important is that the firm taps into the attorney's need to feel like they are part of something important.

RULE 3: THE CANDIDATE'S PERCEPTION HE OR SHE WILL BE WELCOME IN THE FIRM WILL HAVE A STRONG INFLUENCE ON THEIR CHOICE TO JOIN ONE FIRM OVER ANOTHER

This sounds so self evident that we almost feel like masters of the obvious pointing it out. Nevertheless, far too many firms lose star candidates because they cannot do this. Humans are social animals and law firm candidates are no exception. Most candidates have a very good understanding that they are likely to succeed in certain types of firms and not others depending on the type of people they are working with. What is important here is the type of chemistry the candidate feels they have

with other staff members in your firm. Keep in mind that candidates want to work with people who are similar to them in a lot of respects. If a candidate feels they are joining an environment that does not appreciate people like them then they are going to have a very hard time joining a particular firm. Because there is quite a bit that goes into this calculus, it is useful to investigate this topic from two perspectives: (1) the social perspective, and (2) the cultural perspective.

The Social Perspective. Undoubtedly, one of the most prestigious firms in a market we serve should have no problem whatsoever attracting star candidates. This firm has a client "A-list" that would impress anyone. Candidates who join this firm are assured of the possibility of working on really important cases and transactions, working with an impressive group of attorneys, and making a lot of money. We could sell this firm all day to a candidate who has never sat foot in the firm. This firm has the prestige level and certainly could make all the candidates it interviews feel like they are going to be doing something important if they were to join this firm. Nevertheless, this firm consistently fails on the social perspective, and a candidate who walks in the door of this firm for interviews rarely chooses to return.

The firm is often confrontational with its candidates in interviews. The associates and staff members in the firm are all noticeably tense. The firm seems to have little interest in the candidates it interviews and does not really seem all that committed to anyone who works there. The attorneys who work in this firm are all literally "cogs in the wheel,"

and candidates are made to feel this way in interviews. Partners are extremely rude to secretaries and other staff members (as are all the attorneys in the Firm) and the secretaries all act almost militant for fear of doing anything whatsoever wrong. The associate/partner interaction is the same. The associates rarely interact with each other outside of work because the firm just has something in the air that even makes associates confrontational with each other.

Firms like this are just not welcoming places to work, and we cannot understand why a firm would consistently choose to remain like this. While firms like this may be tremendously powerful and have very healthy partnership profits, their odds of long term success are severely diminished by their inability to attract and retain star talent because of their social issues. Firms which approach their recruiting efforts by doing any of the things wrong that this example firm does are going to have a hard time making candidates feel welcome there.

OBSERVATION: *Certain firms are able to consistently attract certain types of candidates based on the social make up of the firm. For example, there are certain firms in certain markets we serve that seem to consistently attract the same types of attorneys - whether they are particularly outgoing, attractive, bookish or otherwise. Attorneys in firms with well-defined cultures typically share many traits that go beyond their academics. There is nothing wrong with this whatsoever, and in some respects this is the strength of the given firm. What is important for firms to realize*

is that firms with well-defined cultures may not always be able to attract all types of attorneys. It is often these instances when an attorney may truly not be a "good fit" for a given law firm.

The Cultural Perspective. Firms which are made up of a lot of people who are a candidate's same race, religion, sex or sexual orientation are often far better able to attract other candidates who share similar characteristics. It is important for every firm to emphasize its diversity in interviews to make sure candidates will be welcome regardless of who they are. People want to feel welcome wherever they go. Firms that can state, with truth, "we're a meritocracy," are firms that are likely to have the most success in recruiting different types of groups of people. These firms are also the best places for people to work, regardless of their background. It is extremely important that firms show their candidates that they will be welcome whatever diversity the candidate represents. The best and brightest candidates are generally attracted to firms which do this well. In many respects, this is not surprising since this country is a meritocracy.

OBSERVATION: *Firms that are true meritocracies typically are able to attract attorneys of all sorts of different backgrounds. The perception of a good portion of the people in the United States is that law firms have traditionally been white male bastions. To some extent that may be true, however, firms that wish to draw the best and brightest certainly need to find ways to attract star talent by showing people who do not fulfill the traditional stereotypes that there is room for them. In some respects,*

it seems ridiculous that we are discussing this in this day and age because there does appear to be a tremendous amount of diversity in a great many law firms today. However, to the extent a variety of groups of people can be welcomed into your firm all the better.

RULE 4: THE TYPE OF WORK A CANDIDATE IS OFFERED WILL HAVE A STRONG INFLUENCE ON THEIR DECISION TO JOIN A GIVEN FIRM

Candidates consistently choose firms based upon the type of work they believe they will be getting. One of the most significant reasons we hear from candidates over and over again is they want to leave their firm because they are not getting the type of work that they want. Whether a candidate is an attorney, a patent agent, a paralegal, a secretary, or another member of the staff, everyone is concerned that the type of work they are doing be fulfilling.

It is extremely important for firms to identify what types of work a given candidate wants to do in the interview stage and see if there is room for the firm to offer that candidate the type of work they are seeking to do. In the law firm environment, there is an endless variety of work that a candidate may be seeking to do and firms which take the time to understand what type of work a candidate is seeking to do will often be successful in recruiting a candidate and retaining him or her.

In a certain respect, when a firm communicates with recruiters and potential candidates it should be ensuring at all times that it is communicating the type of work the candidate will be doing

with as much precision as possible. If a firm believes that it has opportunities for young litigators to go to court, it should say so. If a firm believes it will offer a patent prosecutor the opportunity to do a mix of patent prosecution and softer IP, it should say so. If a firm believes that it will offer an attorney the opportunity to do more private than public company work, it should say so. Honesty and openness are essential at the beginning.

The same is true with regard to staff members. We obtain a large number of our secretarial candidates, many of whom have great educational credentials and steady work history, through firms that have treated them as fungible commodities, moving them willy nilly from one section to another as though they were nothing more than temperamental typing machines. Ignoring the career goals and accumulated base of knowledge of staff members, as with attorneys, is a sure way to create discontent.

“How,” you may ask, “do we react to our changing needs if we can’t move help from one department to another?” There are a couple of ways to make this easier. First, you should be sure that, before decisions are made, you have spent sufficient time speaking with the staff members in each department to know what their skills and aspirations are. Rather than making decisions in a vacuum, then presenting them to the affected persons as a *fait accompli*, take the time to discover whether certain persons might welcome an assignment that would have been forced on the person who would have been your original choice. Second, stay in touch with employees to

know whether they are happy with their duties as they stand and they are achieving the fulfillment they desire.

When making a new hire, firms need to take a lot of time communicating the type of work the candidate will be doing if they join the firm. Because this is so within the control of firms, they should never neglect to talk about this with as much specificity as possible. Candidates very, very often choose a firm based on what the firm tells them about the work they will be doing.

RULE 5: UNLESS THE SALARIES OFFERED ARE DRASTICALLY DIFFERENT, MONEY IS A LESS IMPORTANT CONSIDERATION FOR MOST CANDIDATES THAN FIRMS SEEM TO BELIEVE

To us, it seems strange that money comes at the end of this calculus. Certainly, money is an important consideration to many candidates because they need to make a living, and dramatic differences in money can certainly sway a given candidate one way or another. Nevertheless, for candidates who you would like to see as long-term employees of your firm, money is often secondary to other considerations.

The salary increases for attorneys in 2000 and the bonuses many attorneys and staff have received in 2001 from major firms are instructive. Initially, the salary increases were greeted with great fanfare by associates throughout the country, who quickly began lobbying their own firms for similar increases. Some firms increased salaries to match the leading firms, while others did not. In the aftermath of the salary increases, some associates moved from one firm to the other in response to the salary increases, but not as many as

one would think. Many of those who moved either had personal reasons for a desired change of geographical location or were the type of person who is generally more interested in short term cash than long term stability and gain. There was not a mad rush of the best associates to the highest paying firms, and those who did move were not the people who would have stayed very long at their firms anyway.

Looking back from the vantage point of today, after the market for the services the West Coast salary leaders provide has diminished, it is clear that the candidates who were least motivated by salary were the wisest ones. Throughout the ranks of the firms which are at least nominally still at the top of the salary scale, the morale is not good. In the end, the higher salaries led more to mass paranoia among staff about layoffs and resentment among partners about diminished profits as they have to any ability of the firms to attract talent.

Why, then, did hiring partners and firm management view money as a tool for retention and attraction of top talent? We think that the money factor ignores the fact that many attorneys are motivated by psychological and other factors which are often far more important than money. Perhaps focusing on things like a candidate's need to feel important, his or her desire to do a certain type of work, and his or her need to feel welcome from a socio-cultural perspective would be better than simply increasing salaries every six months. While we do appreciate the need to remain competitive with regard to salaries, firms should understand that other factors are far more important to most desirable candidates than a paycheck.