

THE RECORDER

Get in the Right Position for a Lateral Move

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Restless lawyers, beware! The decision to switch firms should be considered carefully in today's legal climate. The process presents greater challenges for lateral candidates: The time frame has expanded; the paperwork is lengthier; and usually there are more partners weighing in on the final decision of whether to hire a candidate. All told, the recruitment process has been viewed under a microscope. It has been picked apart and put back

together, and it now reflects a new set of rules. For one, any assumptions made about a candidate's promise are out of the question, regardless of his or her rainmaking history.

What instigated this scrutiny? One driver is that a number of law firms are responding to the abundance of malpractice claims against them, primarily because a large percentage of these claims are related to new hires. Another reality is that claims against lawyers have been rising for a number of years. In other words, hiring law firms cannot be careful enough. If you're looking to change it up, educate yourself about what has become a hiring law firm's new priority list. Be aware of the "must-have" qualifications that need to align with your personal and professional histories. Here are some pressure points law firms are looking for when considering lateral candidates:

Conflict clashes

These days, one point of scrutiny to expect from a hiring firm is the examination of potential conflicts of interest. Reviewing a lateral candidate's history for conflicts of interest will help reveal unavoidable problems and their level of significance. Often, when conflicts arise, the solution can be as simple as screening the new hire from a case. It's a better alternative than disqualifying the entire firm.

Employee agreements

Since the heart of an employee agreement doesn't die when an attorney departs a firm, one current trend is to use these agreements to establish the procedures to follow if a lawyer leaves the firm. The departing lawyer is required to follow through on his or her fiduciary duty to the firm, and the hiring firm can learn in advance what that requires.

Cultural connection

Every law firm has a persona, a reputation and a culture that defines life behind its closed doors. It grows out of shared attitudes, practices, goals, behaviors and values. A law practice comprises a motley mix of personalities, as well as an established style of communicating. Other defining characteristics include employee treatment and the style and pace in which work is completed. Some firms uphold a staunchly corporate persona, while others choose a more comfortable, casual approach. One law firm might require its partners to focus intensely on advocacy, while others may not. Either way, they will be evaluating whether you're a good fit during the interview process, so it helps to know as much as possible about the culture you'd be walking into.

The truth behind a client list

When promising a client list, do your best to see that the one you boast about during negotiations resembles the one you will provide a few months after being hired. The discrepancies are fewer if the hiring firm is thorough about examining conflicts of interest. Either way, count on a hiring firm asking for clarifications of the authenticity of each entry on the list.

Law firm jumpers

Recruiting legal talent does not come cheaply. The time and money invested in interviewing, traveling, bonuses and integration can take up to three years to pay off. Lawyers who machinate an early departure are seen as "jumpers," and tend to develop reputations that precede them. Consider it a stigma worth avoiding.

Your back story

Make no mistake: Any hiring law firm will look beyond your professional past. In fact, the once three-page Lateral Partnership Questionnaire has skyrocketed to a 25-page document. Why the added pages? Firms realize they need to look beyond business generated, cases won, billing rates and billable hours. Now, most want the personal goods as well. What is your tax-paying history? Have you ever had a misdemeanor offense? How is your general health? Understandably, they want a complete picture of who would be coming on board. Some firms do the research less conspicuously by conducting an internal consensus on a lateral well before even showing their interest.

A move makes sense when the reasons to transition a practice and the opportunity available at a particular law firm add up to the right fit at the right time. In these cases, the process can be more seamless. There is still a high degree of vetting, but even the most selective firms will make accelerated and bold moves when an attractive candidate with a compelling strategic and business proposition shows up.

Not only has the lateral hiring process grown tougher, but there are fewer positions available. Law firms are starting to think twice before jumping into expansion plans. They're learning that just because one city ranks high in legal activity doesn't necessarily mean it will pay to open an office there. Recently, Orange County and San Diego experienced a large number of incoming legal firms, many of which had to close their doors once activity slowed. The future of today's four hottest markets may unfold differently as a result. Currently Houston, Singapore, Korea, and Mexico City are trending in the legal arena, but law firms are more critically scrutinizing the true value of setting up shop in any one of the four. As a result, many have opted out.

Such decisions help explain why preliminary steps to prevent post-hiring nightmares are becoming the norm with hiring law firms. Legal recruiters want to be secure in knowing that every newly hired lawyer fits from every vantage point. Fewer options, increased scrutiny and easier access to an attorney's professional past all point toward the need for lawyers to become far more diligent in establishing a stellar reputation, as well as far more cautious in considering a lateral move.

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