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Swimming with the Sharks The Challenges of a Small Firm in Today's Recruiting Market

by Susan G. Manch

In the current competitive recruiting market for experienced attorneys, solo practitioners and small to mid-size firms may feel like small fish in a very big pond—occasionally surrounded by sharks! Many of these firms are finding it increasingly difficult to meet staffing goals. Partners are concerned with their firm's inability to attract both the quality and quantity of candidates needed to support the work flow. The widening salary differentials between large and small firms paired with the high levels of law school debt incurred by many recent graduates have conspired to make smaller firms less appealing to some junior lawyers. The high demand for attorneys with practical experience in litigation, transactions, and intellectual property have also made small to mid-size firms a fertile hunting ground for larger firms with insatiable appetites for associates.

Yet attorneys who practice in smaller firms and boutiques often find the early responsibility they desire, the hands-on mentoring they want, and the sane work environment they need—the very things most new attorneys say are extremely important to them. So the question becomes how can smaller firms effectively communicate this message in order to compete for talented candidates in today's chaotic marketplace for experienced lawyers. A review of two case studies may help to highlight practical recruiting strategies that give smaller firms an edge in attracting candidates to their practices.

Case I.

A partner in a ten-attorney firm looking to hire two transactional attorneys with several years' experience tells a story of lost time and wasted effort. He advertised his positions in the local newspaper and bar bulletin, describing the years of experience required and noting that high academic credentials were required for consideration. Only a handful of resumes were received and even fewer were truly qualified. In the end, he interviewed two decent candidates and made offers to both. Neither accepted the offer--both cited the low salary.

Analysis and Recommendations:

This firm may need to review its recruiting strategy from start to finish. The first step is to take a hard look at the marketplace. Where does the firm stand among its competitors in terms of quality of work, training and development, and compensation? Assuming all of those things are in line with firms of similar size and practice, attention turns to the best means of attracting candidates to apply for openings. While local newspapers and bar publications are good sources of potential candidates, the current market for laterals requires that the firm send the message out more broadly. Local law schools, internet recruitment sites, the firm's own web page, and business or association newsletters are inexpensive and practical ways to advertise positions to a larger and perhaps more targeted population of attorneys.

The next critical step is to begin the difficult process of deciding what are “must haves” and what are the “would be nice” credentials that will be used to determine who is a match for the work and the firm. Are grades more important than hands-on experience? Would a skilled practitioner from a less than stellar law school do? Is personality the “make or break” dynamic? Knowing that the job seekers with highest academic credentials will have multiple opportunities and may also be interviewing with larger firms offering significantly more money, assess carefully which credentials will truly predict success in the firm’s practice. Developing a clear picture of who is successful in the firm helps to guide this tough decision-making process. If this firm believes academic credentials are the most important criteria, it will be important to screen resumes carefully for signs that the individual is motivated by more than money. At the very least, salary should be discussed in the earliest stages in the interviewing process to get it out of the way. Those lawyers whose primary motivator is salary will not be interested in moving forward. It makes no sense to waste time on laterals who simply cannot live with the salary structure.

To reach qualified candidates who *will* be motivated by what the firm has to offer, the firm needs to find a way to communicate its distinguishing features (those things that make the firm a great place to work) in the position announcement itself. Spend less space outlining the specific grades and honors required and instead use those lines to sing the praises of the firm’s work and environment. Attract candidates’ attention and peak their interest in learning more about the firm. Once resumes begin to flow in, they should be reviewed with an eye toward identifying personal characteristics that suggest this lawyer might fit in and value the firm’s unique qualities. The cover letter may provide clues on what motivated him or her to apply and look on the resume for job shifts that suggest motivators, pre law work experience, or outside interests that provide you with a picture of the person beyond his or her work environment. These clues may give you an impression of what motivates or is valued by this lawyer.

Case II.

A solo attorney specializing in employment law was severely frustrated in her attempt to hire her first associate. She placed a small advertisement in a local legal news publication at a very expensive rate, but received few responses. She interviewed a few candidates who applied who had general litigation experience, but realized she would be setting herself up for extensive training time if she hired one of them. Without other candidates in the pipeline, she was faced with starting over again. Instead, she went back to juggling the workload without help, relying on a summer clerk from a local law school.

Analysis and Recommendations:

Hiring the first associate is probably the hardest step to take for a confirmed solo practitioner. In this case, the first error was the placement of the advertisement. Among all the larger, slicker advertisements placed by the big firms in this expensive publication, her ad looked sad and unimportant. Her money would have been better spent following the recommendations listed above as practical, yet inexpensive sources for candidates. But in this particular situation, she also has another excellent alternative. One of the local law schools has a well-known program in employment law. She has spoken on panels there and knows some of the professors. Working with both these professors and the career services office in the law school, she should have an excellent opportunity to get her position announcement directly in front of a qualified audience. Almost every law school publishes job bulletins

that are sent to alumni who request them. Many schools provide this service online, allowing students to access a job data bank from remote locations with a password. In addition to having access to lawyers with the desired background, she will have the added benefit of being known to many of the students and graduates of the school because of her work with the school.

She was smart to recognize that, at the moment, she would not be able to take on the challenge of retraining someone. Sometimes talented lawyers who are eager to change their practice specialization provide smaller firms with the means to employ a top prospect. But it only makes sense if the partner has the time and resources to fully assist the attorney in the professional development process. The best thing she has done, however, is to recognize the value of student interns. If the flow of work is seasonal or cyclical, she may *not* need a full-time lawyer to assist her. Law students today often have more hands on experience than one might expect since most schools encourage internships and clerking experiences throughout the course of law school.

Summary

In the final analysis, small firms face many of the same challenges as the larger firms, but the effects of a failure to attract qualified lawyers are felt instantly by smaller practices. The best means of competing as a smaller fish among much bigger predators is to carefully pick the pond in which you are going to swim. Solo practitioners and small to mid-size firms need a comprehensive recruitment strategy that helps them both select and attract the right lawyers for the practice. It must take into account both the types of skills and experiences needed for the practice, and the advantages and benefits that candidates will find if they join the firm.

Being able to define the skills, experiences, and personal qualities needed to be successful in the firm's practice is the first step toward developing a sound recruiting foundation. Beyond that, it is important to carefully assess the many ways in which it may be possible to attract candidates to your firm. Be creative and use resources close at hand. Law schools, bar publications and bulletin boards, association newsletters, and word of mouth are all inexpensive, yet effective ways of finding good candidates. It makes no sense to go head to head with the big guys. If a candidate's primary motivator is money, he or she will probably not choose your firm in the end. However, to attract those who may be motivated by things such as early responsibility and hands-on training, make certain job seekers can see the unique advantages of practicing in a smaller firm environment. Help them understand how they might advance their skills and experience and find balance between work and the rest of their life.

Sometimes smaller fish have a big advantage. As salaries go higher and higher and firms feel a need to require more and more work, the attendant stories of junior lawyer burnout will only increase. The pressure to bill, a lack of mentoring, and few available opportunities for junior lawyers to get early responsibility are already fueling large firm associate attrition. Savvy smaller firms should be on hand to guide these talented and experienced lawyers into their firms.

*Susan Manch is co-author of the book, **Recruiting Lawyers: How to Hire the Best Talent**, published by the ABA Law Practice Management Section in 1999. As a principal in the legal*

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