

*This article is one of a series of articles based on interviews with **Keith Wetmore** and **Joanna Herman**, MoFo alumni who are now recruiters at Major, Lindsey & Africa (MLA), a leading global legal recruiting firm.*

*Keith served as Chair and Chief Executive Partner of Morrison & Foerster for the last twelve of his 35 years with the firm. He joined the partner practice group of MLA in January of 2017.*

*Joanna was previously an associate in the product liability litigation practice of the firm from 2004 – 2013. Joanna focuses on in-house placements at MLA and has been actively recruiting since 2013.*

## How and Why Employers Use Recruiters

By Jessica Hernández

In this second article in our series about legal recruiting, Keith and Joanna explain how and why legal employers work with recruiters to fill open positions.

### ***When Companies Use Recruiters***

For in-house legal positions, companies use recruiters for a variety of reasons, explains Joanna. In-house searches can be quite difficult in terms of finding the right person for a specific role in a legal department. Since such hires may only happen rarely, a company may not have a talent acquisition group or the expertise and understanding of the legal market to know how to vet for the specialized skills that the company may need.

Additionally, companies sometimes retain a search firm to serve as an independent arbiter, as a search firm is able to consider a range of internal and external candidates without bias toward a particular outcome. Using a recruiter makes it clear that the company considered a large pool of candidates before making the hire.

### ***When Law Firms Use Recruiters***

Interestingly, the law firm recruiting industry has grown out of the legacy of gentility associated with legal practice. Keith explains that, unlike in other industries where a company may have an internal staffing office that recruits from competitors, in the law firm world it has historically been considered bad form for a law firm to try to recruit a partner directly from another firm.

The partner and associate recruiting business came about to bridge this gentility gap. It has long been viewed as completely appropriate for a law firm to put together a list of candidates from competitors to present to a recruiter, or to be presented with candidates by a recruiter.

### ***Contingent vs. Retained Search***

As discussed in part one of this series, law firm searches are conducted on a contingent basis, meaning that a firm only pays a recruiter after a candidate is hired and begins working. In-house searches, on the other hand, are almost always done on a retained basis, meaning that a recruiter

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signs an agreement to search for a candidate, and is paid in installments during the course of the search.

As a result, associate and partner recruiting is somewhere on a continuum between looking to fill a particular opportunity and taking advantage of an attractive candidate in the market. Recruiters shop candidates to multiple firms, and will be paid by whichever firm ultimately hires that candidate. For instance, Morrison & Foerster's lateral partner hiring varies greatly year to year, depending on its needs and the lateral partner candidates available in the market.

However, when a large corporation is looking for a Deputy General Counsel in charge of Intellectual Property, they have a real need to fill this role so they hire a search firm to get the job done. Unlike with law firms, there is nothing opportunistic about in-house searches. As Joanna explains, legal hires for a company are very strategic; since the legal department does not generate revenue, a company needs to have a need and budget for each hire.

## ***How Recruiters Source Candidates***

In the retained search model, recruiters conduct a lot of research. At MLA, for instance, recruiters have access to a database of candidates that has been developed by MLA over the last 30 years. "We also utilize our core network of over a hundred recruiters across the world who specialize in legal recruiting," notes Joanna. "We send out emails to our colleagues saying 'We have a great search. Do you know of anyone?' We also have a great research department, and access a variety of sources to find the right candidates for the role." Candidates are also able to apply directly through MLA's job postings site, which includes all public MLA searches, as well as many others.

On the law firm side, recruiters do a fair amount of cold calling -- reaching out to potential partner and associate candidates whom they only vaguely know or do not know at all. The goal of these calls is to engage potential candidates in a conversation about their careers. Keith is surprised by how often these calls are fruitful. He will call a potential candidate who will say, "You know, people called me all the time, and somebody just caught me on the day when I was really frustrated and I decided to explore options." A candidate will also sometimes not be interested in that particular opportunity, but will be open to discussing other options.

Recruiters often meet with law firm leaders to understand what they're looking for and to learn more about their firms. This information allows recruiters to better inform candidates about their choices. These relationships also benefit a candidate who is being considered by multiple firms simultaneously, as these relationships give the recruiter the ability to time conversations in a way in which no firm feels like they're being treated like a fallback firm.

Additionally, recruiters are able to gain knowledge about different firms by hearing from active candidates about the reasons that they are looking. Keith explains, "For example, someone leaves Firm A, and that creates an opportunity at that firm for someone just like the person you spoke to six months before whose issue was about not having headroom in the practice to develop themselves. You find yourself with a square peg and a square hole."

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In sum, recruiters can serve as a bridge between law firms and candidates. The recruiter's relationships, and the information that he or she learns day to day, facilitate good matches.

## ***Speaking to Recruiters Along the Way***

In order to be best positioned in the legal market, it is crucial for attorneys at all levels to talk to recruiters. Joanna recalls, "I remember that, as an associate, I would get calls and think, 'Oh, I'm not interested in moving to New York.' But building relationships with recruiters can help you to keep a critical eye on your career path and your plan for the next five or ten years. Often attorneys will have their head down in day-to-day work, and spend five or six years at a firm; then they lift their head up and take a deep breath and say, 'Okay, what's the next step? Where am I going?' They're not thinking the process through all the way along the course of their career as they should be."

These conversations with recruiters can serve as a temperature check, as well as an opportunity to lay the groundwork to be considered when the right opportunity comes along.

As an example, Joanna explains, "When I have spoken to Bob in the past, and found him to be a great candidate, Bob's probably going to be one of the first people I think of when I hear of a new search." She adds that having these conversations also conveys the lay of the land to candidates, giving them the word on the street about different firms and organizations, so that the candidate is more prepared when an opportunity presents itself.

Keith describes another benefit of entertaining these conversations – when an opportunity is not right for you, it gives you the chance to refer it to someone else. That could be your colleague down the hall who you know isn't happy, or a law school classmate you had drinks with the other night. Being able to help someone get a job is a highly valuable networking tool.

## ***The Long Game***

In sum, understanding how candidates are sourced should serve as a reminder that, in most cases, a successful job transition will be a marathon, not a sprint. Candidates need to have patience, remember to stay in touch with recruiters, and understand that finding the right opportunity is not going to happen overnight.

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