

Direct Recruiting by Law Firm Recruiting Departments: Innovation or Heresy?

By Scott Love

About a year ago, I received an email from a client asking me to participate on a panel for the 2023 NALP conference. Laura DeRise, the Director of Attorney Recruiting for Bass Berry in Nashville, proposed an innovative panel for the two of us about law firm recruiting departments reaching out and directly recruiting attorneys who work at competing firms. In other words, bypassing what the third-party recruiting industry does altogether.

I agreed to sit on the panel and, as we began to plan and discuss our strategy, my conclusion felt pretty straightforward: Law firm recruiting departments would discover that the difficulty of recruiting competing attorneys is greater than the potential benefits and it probably would not be attempted by many.

Boy, was I wrong.

“Is it short-sighted for law firms to try to circumvent third party legal recruiters and avoid paying placement fees?”

During our session, the space was standing room only with about 130 attendees. There were a handful of third-party legal recruiters in the room, but the rest of it, about ninety percent, was filled with law firm staff. At one point during our lively discussion, the moderator asked a question and suggested an informal survey: “Show of hands, how many of you who work as recruiters for law firms have attempted to make an outbound inquiry to an attorney directly?”

I was surprised when it seemed that nearly eighty percent of the hands in the room went in the air.

Was this the end of our industry? Should I start looking for a job at a law firm since they all tried to do what we do all day?

“Why on earth would they do this?” I thought to myself. The biggest reason was obvious and was mentioned earlier in the panel as a benefit for law firms to try: “We think we can save money on placement fees.”

There it was, front and center.

Honestly, nobody likes to pay a placement fee. They pay them because they hope to get a return on the investment, which, as we all know, is an attorney who can solve a problem, fill a gap, and fulfill a strategy, plus add new clients and top-line revenue to the acquiring firm. Is it short-sighted for law firms to try to circumvent third party legal recruiters and avoid paying placement fees?

When it was my turn to chime in and try to show how we are worth what we charge, I posed these talking points:

- Will attorneys view this direct reach-out from a competitor as an offensive and low-brow way to engage with a competitor?
- How will this affect relationships between firms that are co-counsel on matters when the staff of one firm is directly trying to poach the staff of another?
- I also emphasized the value of having a third-party advocate for the deal itself, someone who can nuance the challenging and awkward questions between both sides, and someone who can act as an intermediary in compensation negotiation.
- Plus, the process of a lateral partner engaging with a competing firm is filled with land mines and speed bumps. It helps to have someone who knows where those hidden obstacles exist in the process and can help maneuver the deal forward.

This final observation, I think, was the most impactful: recruiting attorneys is laborious. It’s like chopping wood, and the volume of activity vs. the reward may not be justified by a law firm recruiting team. In fact, one line I used was this: “Go ahead and try it because then I know how much you will appreciate the third-party side of the business.” Many people seemed to understand that.

It was an interesting topic which, even after hearing people tell me how challenging direct recruiting is, confirmed that they don’t just see us as a valuable resource.

I believe they will appreciate us that much more after trying to do it themselves.

ABOUT THE AUTHOR: Scott T. Love is Founder of The Attorney Search Group which places partners and associates in AmLaw100 and AmLaw200 firms nationally, and is also a NALSC Board Member Emeritus. He produces the podcasts “Recruiter Stories: The Official NALSC Podcast” and “The Rainmaking Podcast.”

P: (202) 391-0460

E: scott@attorneysearchgroup.com

W: www.attorneysearchgroup.com

