



& Finders keepers:



Recruiting & retaining top talent

Attracting the best possible lateral associates is critical to a law firm's ability to maintain its competitive edge, financial leverage, internal succession and future success.



Cleo Kirkland

When candidates approach our firm about a lateral move, they all tend to ask a variation of the following questions: Which firm is the best for me? Which will make the greatest difference in my career? Which offers me the greatest opportunity for success? For the best candidates, the task almost always lies in narrowing down all possible opportunities to the one or two that can offer them the best career path.

Recently, loyalty to law firms is being redefined, and the relationship between associates and their firms continues to change. Partnership is no longer the goal of many associates, and many are less inclined to stay with the same firm for their entire career.

© 2012 Lawyers' Professional Indemnity Company. This article originally appeared in LAWPRO Magazine "Making the Right Move" January 2012 (Vol. 11 no. 1). It is available at www.lawpro.ca/magazinearchives
The practicePRO and TitlePLUS programs are provided by LAWPRO

Added to this dynamic is an increasing number of mergers and layoffs which, along with a choppy economy, have left many associates somewhat leery of their firms and far less likely to believe that what is best for their firm is necessarily best for them and their careers.

In this market, loyalty is short-lived and a strategic approach to attracting top lateral talent is critical to a firm's success. This strategy invariably includes a firm both honing its recruiting processes and becoming a preferred employer in its market.

Recruiting smarter

A common mistake firms make is to identify needs only when they become crises, i.e., when there is an immediate and pressing position that needs to be filled. Instead of this reactive approach, firms should forecast forward and identify their needs over the next several years in order to ensure a constant flow of the right people. Knowing who might be favourably inclined to join your firm and when and how to initiate contact with them is one of the best ways a focused recruiting process can deliver value to a firm. A strategic recruitment plan will infinitely increase your firm's chances of hiring and keeping the best.

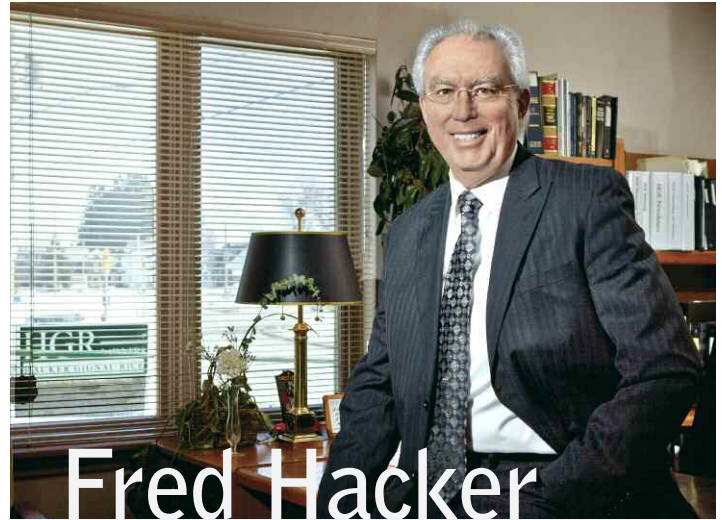
Simply placing an ad in the Ontario Reports (or an equivalent publication) typically results in nothing more than a large number of unsuitable candidates. No doubt some firms have had great luck in catching a top associate who has gone on to become a leader in his or her field. But the chance of coming across the right candidate at just the right time, persuading her to join your firm and finding that she is a good fit is rare and the cost of getting it wrong is high.

Targeted brochures and website pages, a designated recruitment/professional development director and a formal employee referral program can all be strong components of a firm's overall recruitment strategy. Use your firm and other legal recruitment websites to post openings. Encourage partners and associates to actively network at conferences and industry events that are likely to be frequented by top performers. Cultivate relationships with law school career offices and legal recruiters. Develop a 'story' about your firm that delivers a consistent message to the marketplace about who you are and where you are going, and spread the word!

How to be a choice law firm

Becoming a law firm of choice requires both a clear understanding of exactly what associates want and a strategy to provide them with the platform through which they can achieve their professional goals. Assessing what superstars are seeking and figuring out how your firm is best positioned to respond is crucial to any recruitment and retention strategy.

A law firm is an employer of choice when its lawyers believe they are working at a great firm and tell people as much. The best associates



Managing Partner – HGR Graham Partners LLP
Midland

On recruitment

In assessing talent for recruitment to our firm, the first quality we look for is character. We're looking for team players whose personal values are consistent with our culture. You can teach someone the fundamentals of practising law. You can't teach integrity.

On retention

To retain top talent, it's essential to communicate. And communication must be two-way. There must be consistent communication of the plans and prospects of the firm and the importance of the role of the individual in those plans. There must also be constant interaction to understand the state of mind, goals, frustrations, challenges and worries of the individual so those issues can be addressed before they become insurmountable.

do their due diligence and ask the lawyers employed at the firm what it is like to work there. They also ask trusted friends and advisors (including legal recruiters) about the reputation of the firm and the likelihood that it will deliver on the career opportunities promised. Stars will ask the difficult questions about work platform, career trajectory and fit.

Strong indicators that a firm is an employer of choice include:

- it has positive name recognition on the street;
- prospective candidates and clients tend to choose the firm over others;



Stephanie Willson

Chief Professional Resources Officer – McCarthy Tétrault LLP
Toronto

On recruitment

Whether we're hiring a law student – which is the primary source of new lawyers for firms such as ours – or an associate or a new partner, we look at what we call “buckets” of skills that help us determine if that individual will be a successful lawyer with McCarthy Tétrault. Depending on the level we're recruiting for, what we look for in each of those buckets will differ.

For example, with law students, who often have less work and life experience than candidates at other levels, our focus is on those qualities that you cannot train for: So we have a bucket of skills that fall into the “legal acumen” category: evidence of sound judgment, strong analytical skills, a demonstrated genuine interest in the areas in which our firm practises.

Similarly, we're keenly aware that we are in the business of serving clients, so we have another bucket of skills around “service orientation” – such as demonstrated good interpersonal skills, the ability to work as part of a team, good communication skills and the like.

These skills I have mentioned for the most part are hard to teach, so we need to focus on them in evaluating candidates before we hire them!

When we recruit at the associate level, we'll focus more on the individual's legal skill set and ambitions for their career. Client skills are also essential: can they speak to examples of excellent client service? Can they provide examples of how to build good client relationships? Of course personal qualities such as integrity, honesty and being a team player are also very important.

On retention

A large firm such as ours needs a focused, deliberate talent management strategy that responds to the fact that we have different people with very different needs. We've built a framework for helping us retain top talent that we've trademarked: McCarthy Tétrault Advance. It's a platform for talent development that has eight components such as coaching, work and opportunity allocation, compensation and recognition, and capability development. At any time, we have various initiatives underway nationally in each area.

- there is a low turnover rate of top performers;
- lawyers at the firm deliver a consistent message on why the firm is a great place to work;
- there is a record of ‘recruiting back’ former associates and partners to the firm;
- the firm appears in the “best” lists of legal publications such as Lexpert; and,
- legal recruiters speak positively of the firm.

Law firms of choice consistently have the most effective recruiting and retention programs. Those programs may vary from firm to firm, but what all of them have in common is that they recognize associates financially, create an exceptional working environment and have a clear understanding of what their associates want (and why some of them leave).

Money and other things

Although people work for a variety of reasons (professional fulfilment, personal challenge, desire to serve the community, meaningful work, contributing to society), the principal reason most people work is to get paid.

Even those for whom money ranks farther down the list of reasons for working are not interested in being unfairly compensated. Fair compensation is the first and most critical component of a successful recruitment and retention program. Only once this initial hurdle is cleared can a firm and its associates focus on issues of productivity and practice development.

That said, fair compensation does not always equate to top-of-market compensation. If your firm expects its lawyers to docket more than 2,000 billable hours every year, then it can and should pay top dollar. But many of today's associates are focused on more than just compensation. They are seeking responsibility and recognition for their efforts, the chance to learn from and work with skilled practitioners, professional growth and

Claude Lacroix & Andree Maryse Lacroix



Claude Lacroix

Partner – Lacroix Forest LLP
Sudbury

On recruitment

Brains. Passion. Integrity. It's not one but the complete package.

Brains because the practice of law is not what it used to be. Clients are sophisticated and expect the same high standard no matter what the task. There is no room for cutting corners or substandard work product. That means you need to be able to understand what's expected of you – and deliver. Just because you had the best marks in law school doesn't mean you have what it takes to be a great lawyer. Client satisfaction is the ultimate litmus test.

Passion because the legal profession is now more than ever a very stressful and unforgiving calling that has lost many of the professional perks that would otherwise temper the bad days. The reality is if you don't love what you do the drudgery will eventually bury you and you will end up resenting the profession and us.

Integrity because trust and civility are more important today than ever in law practice. We try to take a team approach on many matters. Trusting those who take carriage of a file when you are away is essential. We need to know that each of us is representing the firm with complete integrity, honesty, and civility. We are very fortunate in the north that the local bar has always and continues to share this view.

On retention

For a firm such as ours – a smaller, more local firm that is located outside a large major centre – though you sometimes fall upon a star looking to relocate, the reality is that we have to develop top talent internally. So we try to find bright young lawyers who are a good fit and work with them. We take our juniors and incorporate them into files right from the start: they share in the responsibilities, but also in the learning, the rewards and the credit. That willingness to share and work as a team has proven to be very effective and has developed their talents early and kept them engaged. We see students and new associates as the freshest legal minds we have... we are excited to work with and learn from them and draw on their energy and creativity.

We also encourage every member of our firm to be involved in some community activity or group – not because we see that as a way to get work but because our experience has been that it has helped them better understand and appreciate our community. Once they can appreciate a community and what it has to offer, new associates are much more inclined to set down roots and make it their home. Fully immersed and engaged citizens are better able to serve their community.

development, some measure of control over their personal and professional lives, an opportunity to have a hand in the firm's evolution, and to receive timely and thoughtful feedback.

The old law firm maxim that "no news is good news" simply does not work anymore and is, in fact, a fail-safe way of having associates walk out the door "out of the blue."

On the question of bonuses, many firms offer their associates plans that are intended to reinforce and reward the principles valued by the firm. If your firm only cares about financial profitability, then bonuses on billable hours alone will suffice. Too many firms claim they want their associates to contribute in ways beyond the billable hour but only reward those who are exceptionally profitable. Inconsistent recognition programs are a guaranteed path to high associate turnover.

How to create a superior working environment

The single most valuable tool in associate retention is effective communication.

All too often, lawyers in management positions fail to communicate critical information about the firm and where it is going to its associates. These managers become absorbed in and distracted by in the day-to-day practice of law or firm management and mistakenly assume that the associates at the firm know what is taking place 'at the top'.

If an associate is not performing, firm managers often assume that the associate knows he or she is underperforming and needs to pick up his or her game. Perhaps even worse, many firms do not communicate to star associates that they are doing a good job, meeting or exceeding expectations, and are valued for their contributions to the success of the firm. As a result, the law firm misses a considerable opportunity to recognize and reward the efforts of its stars in a meaningful way.



left to right, Gerry Dust, Phil Grandmaître, Brad Evans, José Virgo and Marc Ouimet-McPherson.

Gerry Dust

Partner - Dust Evans Grandmaître
Ottawa (Orleans)

On recruitment

In my 34 years at the bar I have managed everything from a sole proprietorship to a 25-lawyer firm, and I have done a lot of interviews. Right at the top of my list of "must haves" is people skills. Without them, there will be problems working with staff, colleagues, other players and clients. Next on the list would be something I would describe as "street smarts." It encapsulates a lot of essential attributes. I have interviewed many people who, while very intelligent and sporting excellent CVs, just did not get "it." You have to be able to put all the pieces together and know how the world works.

On retention

That boils down to paying them well, giving them interesting work and never taking them for granted.

Beyond sharing information to retain lawyers, there is another and more important aspect of good communication and that is the need to listen. Law firms are typically chock-full of great talkers, with great listeners a considerably scarcer resource. To retain people, especially star

associates, firms must become good at listening. One of the most valuable tools a law firm has is the ability to receive and provide regular feedback. This can be achieved in any number of ways, including formal orientation programs, an internal mentoring program, written procedures



Sean Dewart & Tim Gleason

Sean Dewart

Partner – Dewart Gleason LLP
Toronto

On recruitment

It is hard to put my finger on the single most important attribute we look for when we hire. There are a handful of “must haves,” such as a good legal mind, a strong work ethic and a personality that facilitates effective communications with clients, opposing counsel, witnesses and judges. To be a good litigation lawyer, you must be able to read people, and make it easy for them to read you. You must also be willing to learn, which means being highly inquisitive, if not perversely curious. The most effective advocates make the fewest assumptions and ask the most questions. There is nothing more irritating than a know-it-all who jumps to conclusions and sees every file as a chance to show off his or her abilities.

If I had to pick out the most important criteria we look for when we hire, they would be integrity and fearlessness. The most important thing our clients buy from us is our reputation. If opposing counsel and judges can't be certain that they can trust us, we are useless to our clients. We need to be certain that any lawyer we hire will not compromise the firm's reputation in this regard. Fearlessness is the other side of the same coin and no less important.

On retention

Retaining good lawyers has not proven to be as much of a challenge as finding them in the first place. The key is to make their practices stimulating. We try to find a balance between training, and handing off as much responsibility as possible. It's far more interesting for lawyers to work on a file, or some part of a file, where they have primary responsibility and feel that they are answerable to the client and the court.

manuals for new lawyers, a designated professional development director, and regular reward and recognition programs.

If it didn't work, what went wrong?

When an associate announces his or her impending departure, many firms respond by feeling rejected and sticking their heads in the sand. Unfortunately, not asking why the associate is leaving and what the firm could have done to better meet the associate's needs prevents us from understanding what changes can be made to keep the remaining associate ranks happy, motivated and 'in their seats'.

As recruiters, we hear from unhappy associates every day. We know why they come to us. And if one associate is unhappy, in all likelihood there are a number of associates who are unhappy. It is therefore critical that there be no confusion about what a firm's associates are seeking and whether they are finding it at their present firm. The best time to find that out is before they are crying on the shoulder of a recruiter. But, at the very least, conducting meaningful exit interviews with departing associates will allow the firm to adjust its practices to avoid similar departures in the future.

A great firm is not something that can be haphazardly assembled by chance. It requires partners, associates and management to be working together towards a set of common and clearly defined goals. ■

Cleo Kirkland is a senior recruitment consultant at The Counsel Network in Toronto. She can be reached at ckirkland@thecounselnetwork.com.



Glen McCann

Partner – Sullivan Mahoney LLP
St. Catharines

On recruitment

As a firm located outside a major centre, we find there is no better indicator as to whether a lawyer will prove to be a good fit for the long term than his or her ties to the community. Toronto and Ottawa have obvious attractions to a variety of people from across the province. While we believe that there are many good lifestyle reasons for someone to want to practise in Niagara, we find that people who come and stay tend to be those who have a history here. Obviously there are exceptions but that is our general observation.

On retention

Make them a part of the team. Involve them in interesting work and make sure they understand their value (to the firm). Help them to take the long view. We sometimes forget that life as a young associate trying to build a practice is challenging; they need to understand the rewards that are there in the long term. It is always a little dispiriting to see someone pursue an option for a quicker buck when you feel they are making a mistake. Make sure that they feel that they belong and that belonging is a good thing.

Top 10 tips for top talent

1. Forecast forward over several years to identify your needs.
2. Incorporate brochures, websites, employee referral programs and a skilled recruitment person or PD director into your strategy.
3. Cultivate relationships with trusted legal recruiters.
4. Develop a 'story' about your firm and spread the word.
5. Have a clear understanding of what top associates want from their firms.
6. Associate pay should be competitive and reflect what is expected of them.
7. Use bonuses to reward behaviour you value and want more of.
8. Provide associates with regular updates on the firm and its direction.
9. Provide the means for associates to deliver feedback to the firm in an unthreatening way.
10. Conduct thoughtful exit interviews and adjust firm practices to prevent similar departures.