

NALSC[®] NEWS

National Association of Legal Search Consultants Newsletter

Summer/Fall 2017

“The best part about attending NALSC conferences and symposia is the opportunity to learn from our peers across the country. For the past several years we’ve successfully partnered on searches with other NALSC member firms. In addition to adding to our business, we’ve made some great friends.”

“If I could attend only one conference each year, it would be this conference. I would not be the recruiter or business owner I am today without the lessons learned and friends made through NALSC.”



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by Kenneth E. Young, Esq.

Dear NALSC Members,

I hope everyone enjoyed their summer. I am happy to report that NALSC® is running stronger than ever. Our membership continues to thrive with a steady stream of new members joining the organization every year.

Our NALSC® 2017 Fall Symposium is almost here! Taking place at the New York office of Shearman & Sterling LLP on Friday, October 20th, the Symposium continues to be a must-attend event for legal recruiters and law firm professionals in the NY metropolitan area and beyond. This full day program will include a star line-up of dynamic speakers combined with interactive sessions. In response to your feedback of requested topics, the program will focus on understanding the psychology behind attorney career changes; how to make placements if we can't talk about salaries (the equal pay laws and other timely employment law topics); demystifying the sales process and achieving the results you want; a headhunter's guide to law firm economics; and interactive square table discussions. All sessions will feature audience participation, practical take-aways, knowledge specific to our niche market, and more.

Our NALSC® program will offer not only educational sessions, but also receptions and great networking opportunities throughout the event as well. I continue to be impressed with the caliber of our membership and event attendees— from the numerous speakers, discussion leaders, and individual conversations over food and drink – it is inspiring to spend time with so many leaders in the recruitment industry. This event has sold out every year despite increasing our venue capacity, and we have had to turn away late registrants. So, be sure to reserve your seat now at the early rate before it is too late.

Also, we thank our generous sponsors for their continued support of NALSC®. Our Platinum Sponsors are ALM and lawjobs.com; Gold Sponsor is Kelley Drye & Warren LLP; Silver Sponsor is Leopard Solutions; and Bronze Sponsors are Above The Law, The Cluen Corporation, Evergreen Contract Resources, Firm Prospects, Greenberg Traurig LLP, Invenias, Kirkland & Ellis LLP, Kortivity, LegallyLooking.com, and TFI Resources a division of People2.O. Also, our law firm Honorary Sponsors are Akerman LLP; Bilzin Sumberg Baena Price and Axelrod LLP; Cadwalader, Wickersham & Taft LLP; Dechert LLP; Duane Morris LLP; Gibson, Dunn & Crutcher; Lowenstein Sandler LLP; Michelman & Robinson LLP; Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.; Nixon Peabody LLP; Orrick, Herrington & Sutcliffe LLP; Seyfarth Shaw LLP and Shearman & Sterling LLP.



Symposium details and registration material are available on www.nalsc.org.

Finally, regarding the NALSC® 2018 Annual Conference, we are excited to experience Austin, Texas! Escape the winter doldrums for warm weather and sunshine from April 12th-14th at the exquisite JW Marriott Austin. Receptions will be held poolside as well as in upscale restaurants with cutting edge cuisine in this luxury venue. In addition, we will bring back the popular poker night for even more entertainment. The hotel, amenities, service and location are second to none. Austin is not only eclectic but it's also known as the Live Music Capital of the World. U.S. News said, "*The JW Marriott Austin, which opened in February 2015, impresses travelers with its beauty, its accommodating staff members and its location. Set in the heart of downtown Austin, the hotel puts guests within walking distance of the ever lively Sixth Street, the Austin Convention Center, the State Capitol building and the Mexic-Arte Museum. This massive JW Marriott has 1,012 rooms and suites.*" We are looking forward to a terrific event in this fantastic location. Stay tuned for exciting details including our fantastic NALSC® room block rate...

I wish you all much success for the remainder of the year and look forward to seeing many of you in NY soon!

Best regards,
Kenneth E. Young, Esq. - President of NALSC®

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NALSC Membership Growth

by Mitchell Satalof

NALSC is pleased to welcome 14 new members since the last newsletter (Spring 2017). We currently have 163 members consisting of 124 search firm members, 3 affiliate members, 8 branch office members, 5 individual members, 20 supporting members (law firms) and 3 associate members (vendors). Following is a list of our new members in 2017 and the cities and states in which they are based.

Our new Regular Firm Members, Affiliate Firms Members and Branch Members are:

- E.P. Dine – New York, NY
- Esquire Connect LLC – Atlanta, GA
- Finnegan, Charles, Rasnake & Patterson – Chicago, IL
- Haven Recruiting Group – Dallas, TX
- Lotus Legal Search – Dallas, TX
- Schoen Legal Search – New York, NY
- Swan Legal – Sebastopol, CA
- Young Mayden, LLC – Dallas, TX

Our new Supporting Members (Law Firms) are:

- Hirschfeld Kraemer LLP – Santa Monica, CA
- Norton Rose Fulbright – Houston, TX
- Shearman & Sterling LLP – New York, NY
- Skadden, Arps, Slate, Meagher & Flom – Los Angeles, CA
- Womble Carlyle Sandidge & Rice – Atlanta, GA

Our new Associate Member (Vendor) is :

- Evergreen Contract Resources - Houston, TX

In Board news, we announced the following officers for the 2017-2018 fiscal year at our annual meeting in California this spring:

- President - Ken Young
- VP, Long Range Planning - Nick Rumin
- VP, Membership – Mitch Satalof
- Treasurer – David Garber
- Secretary – Valerie Fontaine

We'd also like to welcome newly elected members to the Board of Directors: Avis Caravello - Avis Caravello Attorney Search Consultants LLC; Raphael Franze – LegalSummit Search Consultants, Inc. and Scott T. Love – The Attorney Search Group, Inc. For a full list of Board Members, see the last page of our newsletter or visit our website at <https://www.nalsc.org/board-of-directors/>.

On behalf of NALSC and our membership, we extend heart-felt thanks to former Board Member Jodie Standke of Talon Performance Group, Inc. and Past President Warren B. Smith of The Counsel Network for their dedicated service.

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Is Your Firm Guilty of Playing Lateral Partner Bingo?

by Dan Binstock, *The American Lawyer* - February 22, 2017

In selling their firm to lateral candidates, firm leaders are often using the same pitches as their competitors. Recruiter Dan Binstock offers advice on differentiation.

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We are all well-aware that a vast majority of Am Law 200 firms are competing for talented lateral partners. As part of the recruiting process, law firms routinely invite outside legal recruiters to visit their offices to learn about the firm, desired practice areas of growth, and related selling points.

From the perspective of a legal recruiter—who has attended a countless number of these meetings—I often end up sharing the following comment about 30 minutes into the meeting: "The characteristics you desire in a lateral, and the attributes you believe distinguish your firm, are strikingly similar to what your competitors are saying. We need to dig deeper."

This is normal. Often, the law firm partners who host these meetings have been with their firms for many years. Their understandable thinking is, "Here are the reasons I like and stay with my firm. Who wouldn't want to join such a good place? And here's what we would like to see in a lateral." Logically, this self-focused thinking makes complete sense.

But where this approach falls short is that it doesn't take into account that most partners say the same things about each of their own firms. Firms obviously differ widely in terms of culture, management, platform, profitability, etc., among other factors, but they sound strikingly similar to a third party. It's easy for law firm partners and internal recruiting professionals to erroneously assume that the qualities and characteristics they like about their own law firm are enough to gain the interest of an otherwise successful contributor at a competitor. Often, there is not enough appreciation of the necessity to scratch below the surface.

To highlight some of the similarities during the recruiting meetings, I created the below "Lateral Partner Bingo" card. This is a tongue-in-cheek manner of displaying some of the statements and questions we routinely hear during law firm meetings.

If I brought the above chart into every law firm meeting, I would estimate that toward the end of 50 percent of the discussions, I would suddenly twitch and mentally blurt, "Bingo!" This is not necessarily a negative, but an indication that a particular firm may benefit from additional examination and crafting of its approach to lateral partner recruiting.

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It's not easy to distinguish yourself from your competitors, and we sometimes spend hours with clients teaching them the most effective way to approach the lateral partner market. Here are a few quick tips to get started:

- **The Opposite Test:** When you provide a selling point about your firm ask yourself, "Would a competitor say the opposite does not apply to them?" For example, if your selling point is "We have a 'no-a-hole' policy," consider if a competitor would say, "Yes, we have a 'pro-a-hole' policy." If a competitor would not say the opposite, it's likely not particularly unique.

- **Marketing to Laterals vs. Marketing to Clients:** Most firms approach marketing to laterals in the same way they approach marketing to clients. While your reputation and accolades in a particular practice can be extremely meaningful for some partners (particularly if they require more depth with a specific client base), it may not be relevant to others. What connects and resonates with laterals is often different from the traditional client-facing marketing materials. It is my prediction that within five years, numerous law firms are going to have a dedicated marketing professional (or team) focusing on lateral partners.

- **Selling the Firm vs. Selling the Search:** During most meetings, our clients focus on selling their firm as a whole (culture, financial performance, strategic priorities, etc.), while little, if any, effort is expended on selling a particular need/search. For example, if you are seeking a privacy partner, why is this of interest? What may be compelling about your platform for this type of work? Do you have existing clients which have requested this expertise, but you have needed to refer the work out to another firm? In short, what may be appealing about the specific search itself to your candidate profile? This obviously important piece of marketing is too-often neglected.

In this highly competitive market, where demand for appealing lateral partners outweighs the supply, each and every distinguishing feature about your firm makes a difference. The above should help develop a more compelling lateral partner recruiting strategy while avoiding B-I-N-G-O!

B★I★N★G★O

We have a "no a-hole" rule.	We have no debt.	We just read that [partner] moved firms. We were wondering why he/she didn't talk to us?	Can you find a second-in-command who wants to break out from the senior partner's shadow?	We have ___ empty offices and want to get them filled.
I heard ___ is having problems - wouldn't some of their people want to talk to us?	You just bring us the candidates - we'll do the rest.	We had a bad experience with a retainer once. We won't consider it again.	We are not big fans of "onesies" and "twosies."	Yeah ... we would entertain groups as well.
Who are you hearing has unhappy partners?	This is a great opportunity to get in on the ground floor.	FREE  FREE	We reward cross-selling/ hunting in packs.	We don't over-pay, but rarely lose people to money. But if money is most important, we're not for them.
Here's a list of 9 practices areas we want to grow.	Don't rule anything out if they have portable business.	Management thinks we should add a regulatory practice in DC.	Where do YOU think we should be growing?	Management is very eager to grow this practice area. We're not fully sure why.
People truly like coming to work here every day	We are looking for partners "in their prime."	We have been burned by laterals who overinflated their books of business. Not again.	We would like to add an M&A partner who can throw off work to others.	We have turned away laterals with \$4 million practices because they didn't play nice.



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Growth in Recruiting is the Opportunity of a Lifetime

by Scott Love

There is a pattern in nature that has existed since the dawn of time, and you probably see this pattern each day without awareness of the formula behind it. You see it in ancient ammonite shells, living creatures and in flowers. It's called the Fibonacci sequence, and it's a spiraling rate of expansion that continues outward by about thirty percent with each rotation. It's even the reason why we perceive a smile to be an attractive thing.

Mathematically, this sequence is a series starting with 1 and 1, and each succeeding number is the sum of the two immediately preceding. $1+1 = 2$. $1+2 = 3$, $2+3 = 5$, $3+5=8$, $5+8=11$, etc.

So the sequence looks like this: 1,1,2,3,5,8,13,21,34, etc. Could this mathematical series give us insight into how to make more placements? Can we turn our job as legal recruiters into the opportunity of a lifetime by understanding the growth concepts behind this sequence?

Think of it like this. Consider constant and active growth as one of the main attributes of those who are successful in recruiting. They never give up, they are always striving for one more call, and they are assertive in overcoming that "no" and turning it to a "yes."

Let me share with you three specific ways that this concept can help you generate more placements.

Consider that this rate of expansion in the Fibonacci Sequence is about thirty percent with each rotation.

First, use rituals and habits to expand your potential.

I believe it's possible to continue to grow at a consistent pace each day by using rituals and habits as a motivating force to propel you forward. Rituals and habits are the forces that carry you forward in a state of performance regardless of how you feel.

Sometimes I don't feel like picking up the phone and it seems to weigh forty pounds. Hence, I rely on rituals to help me get through that almost daily hesitation and give me energy so that eventually I make calls and feel like making placements again. I hope that you can apply some of these ideas about rituals and habits to your own life. I'll share with you what I do and hopefully you can find some ideas and modify them so they fit what is important to you.

1. When I wake up, I make my bed. Your mother was right. This daily habit separates night from day. It's a

line of demarcation that tells you there is a new day and that you are beginning to face it with action. Action always dissipates fear.

2. I then say to myself, out loud even, a series of mantras. A mantra is a phrase that changes your emotional state. This is a common attribute of those who are high achievers in sports. High performing athletes know that their performance on the field is a byproduct of their state, meaning the state of their emotions. They know that changing how they feel changes their results. Some of these mantras may seem trite and even silly, but I'd recommend withholding judgment until you test them and see what it does for you. Try these mantras for a week as your daily rituals and see what happens to your emotional state and your performance:

- "Today is going to be the most exciting day of my life."
- "Everything I touch turns to gold."
- "Everybody I talk to wants to do business with me."
- "Put me in the path of those whom I can serve." This fourth mantra is almost like a prayer and serves as a reminder that the only way I can create income through good placements is by taking my eyes off myself and serving others.

3. When I get to my office, I make one phone call before I do anything else. For people who are in sales or recruiting, there is a causal relationship between phone time and success. Social media is not the silver bullet in our world. I personally believe that Twitter stands for Time Wasted In Trying To Escape Rejection. Social media is just a tool to help bring people to you (marketing) and give you a list of prospects (research). It is not sales. Invest more in sales training than social media training. In my opinion, face to face is the new social network. You might need a platform to build your brand, but it will never close the deal for you.

Many people hide behind social media as an excuse to avoid making contact with people. There is certainly a vulnerable aspect in recruiting because they can tell you "no". Just admit that you have some hesitation now and then. I certainly do. But action dissipates fear. So before I open up my email or get my coffee or even take my jacket off, I make one phone call. I open up my database, find

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a warm prospect who loves me (not literally of course), and call that person. Even if they are not in the office and you leave a voice mail, your action is pushing through that membrane of force which causes you to hesitate. If you don't believe me, test it for a week and see how much more effective you are. Once you make your dial, even if it results in a voice mail message, then give yourself permission to go get your coffee and open up your email. Begin your day the way you want it to sustain itself over the next eight or nine hours, with action that leads to placements.

Second, the Fibonacci Sequence motivates me to grow each day by expanding in my own knowledge of business and personal development.

I challenge you to spend one hour a day in personal development. If you spent an hour each day in personal development, how much more powerful would you be in one year's time?

Here is how you do this. Take wasted time and turn it into money time. When you are driving in your commute, listen to a podcast or an audio book on sales or some other personal development topic. If you have a half hour commute each way, you are reclaiming that time and turning it into money-making time.

When I am on the elliptical or the treadmill for a half hour, I am halfway to my one hour goal of development since I am also improving my health. So if you do this and you listen to a thirty minute audio sales podcast, you are doubling down. You are realizing one hour's worth of value in just a half hour unit of time.

Look for little minutes here and there. Leave a few books scattered throughout the house. Have a few audio programs queued up on your iphone ready to go at a moment's notice.

I also believe in becoming a good finisher. Even though you might have three books scattered in your house here and there, focus on completing at least one book a month. Books on sales, marketing, business, personal development, communication, personal finance and personal relationships are always valuable.

Here are a few books I recommend that you start with.

- Jeff Hayzlett's Think Big, Act Bigger: The Rewards of Being Relentless
- Art Sobczak's Smart Calling: How to Take the Fear, Failure and Rejection out of Cold Calling
- Rick Pitino's Success is a Choice
- Ken Christian's Your Own Worst Enemy: Breaking the Habit of Adult Underachievement

“Take wasted time and turn it into money time. When you are driving in your commute, listen to a podcast or an audio book on sales or some other personal development topic. If you have a half hour commute each way, you are reclaiming that time and turning it into money-making time.”

You will find that this daily diet of inspiration and discipline will be something you look forward to. Perhaps you used to do this. I'd recommend doing this again and keep at it. Create habits in building your knowledge with information that is inspiring and also help you close more deals.

Last year I spoke at a large national staffing agency's annual sales meeting. After my presentation, one of the sales representatives came up to me and told me she had a hard time becoming disciplined in her work. I asked her to describe this. She said, “I'm having a hard time just starting and staying with the activities I know I need to do to become successful.”

I then asked her about her income goal. “What is your potential in terms of earnings, assuming you worked consistently at your peak performance level every hour of every day for a month?”

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She replied, “If I do what I am supposed to do each hour of each day, I can earn \$8,000 a month. That’s my potential.” I challenged her on that. I asked her if she really thought she could do this, and she confirmed that she honestly believed she had this potential to earn this kind of income.

I asked her to break it down into bite-sized daily targets. I asked her what activities she needed to do every day to hit that goal. She told me that based on their metrics, if she made thirty calls a day over the phone, then she would earn around \$8,000 each month. I set it up this way. “Suppose your boss wrote a check for you for \$8,000 on the first of the month and signed it and post-dated it for the 31st of the month. He told you that all you had to do was make the thirty calls a day and if you did that you could cash the check. Could you do that?”

“Absolutely!” she said.

Sometimes it’s not the discipline but the drive and belief we need to have first to do the hard work of facing our fears. We can break down the monthly goal into daily bite-sized steps, and focus on those small steps in front of us. If we do that, the work seems to be less intimidating. Her belief in staying disciplined was a longer stretch than in accomplishing the daily tasks if there was the promise of a specific reward.

How can you break your monthly billing goal and income goal into specific daily tasks? What are those action steps (input) that lead up to placements (output)? These are called Key Performance Indicators, and if you focus on achieving a daily habit of a certain indicator (number of submissions, number of first face to face interviews or “sendouts”, phone time, etc.) then eventually you will hit your output. This is a basic concept in management and it’s something you have heard before. It never ceases to amaze me how simple this concept is yet how so many people neglect focusing on it. If you are in the business of making placements, then you should start managing yourself, because you are responsible for everything that happens to you.

Third, the Fibonacci Sequence is a constant reminder of paying attention to where you need to grow. At the end of every day, I write down two things: my greatest achievement and my biggest lesson learned. What is more relevant are the lessons that you learn each day. The achievements are reminders that you have what it takes to make those tough calls and get those large accounts and they serve as a “replay mechanism” to

help you build your confidence. The lessons learned serve as a data tool to help you build awareness of where you need to improve. I keep these documented on an excel spreadsheet and review them every month. I pay attention to mistakes that I keep making. This data over time is subtle, but if you document it every day, you see patterns, and these patterns show you where you need to grow.

With the awareness of areas to improve, habits and rituals to help you overcome your fears, and the motivation to seize the day, you’ll be well on your way to growing at least thirty percent a year in not just your placement revenue, but in other areas of your life that are important to you. And that in itself is the opportunity of a lifetime.

ABOUT THE AUTHOR:

Scott Love is the founder of the Attorney Search Group, a Washington-based legal search firm which recruits and places law firm partners in the New York and Washington markets. He has been in the recruiting industry for over twenty-two years and for fourteen years worked as a trainer and management consultant to recruiting firms, helping them to improve sales and recruiting performance. Love is the author of Why They Follow: How to Lead with Positive Influence and is a graduate of the United States Naval Academy in Annapolis, Maryland. Scott is also a Board member of NALSC.

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Advances in neuroscience reveal an abundance of new information about how the brain works, and ways to maximize our cognitive function. Much of this is worth noting, since lawyers are engaged in a purely cognitive profession. But when it comes to the interview process, two findings are important:

- as much as 93% percent of communication is non-verbal, with as little as 7% accounting for verbal information
- we make decisions emotionally, not rationally, then we use data to justify the decision.

This is sobering news for lawyers, trained to rely solely on their verbal and cognitive skills for a living, and to discount (even dismiss) emotional input. Ignoring this feedback in an interview can be fatal.

Upon reflection, this makes sense. To a large extent, we humans still use the same operating system our prehistoric ancestors used. As hunter-gatherers, we relied on nonverbal cues to evaluate whether an approaching stranger was friend or foe. To this day, we interpret unseen hands as suspicious. Whether you're reading this article in the quiet of your office, the comfort of your home, or on a commuter train on the way to work, your brain is scanning the environment every five seconds or so for danger. And, with very little effort, you're able to assess whether your colleague is in a poor mood, or feeling upbeat, without them having to say a word.

The second important brain fact—that we make important financial decisions (such as hiring) emotionally, not rationally—won Daniel Kahneman, a social scientist and the author of *Thinking Fast and Slow*, the Nobel Prize in economics. How does this apply to the interview process? The success of an interview depends largely upon whether the participants are having a positive emotional experience, and using their nonverbal communication to maximize that likelihood. Is the interviewer doing her best to make the candidate feel welcome? Is the candidate doing his best to instill confidence?

These principles apply to phone interviews as well. Even when we can't see the person with whom we're speaking, we're equipped to sense whether the other person is engaged and listening, or distracted and has disengaged for some reason. Our brains are rigged to do this automatically.

The take-away is this: the impact of both the interviewer and interviewee's nonverbal communication—posture, facial expression, tone and affect—far outweighs the actual words used. Before entering an inter-

What are you Broadcasting? Tapping into Brain Science to Maximize the Interview Process

by Judith Gordon

view, participants are wise to know not only the substance of the upcoming exchange, but to intentionally prepare the nonverbal impression they intend to make. Don't just take my word for it. Here is some feedback from my students:

- One student interviewed with the DA's office via Skype. She practiced deep breathing and power poses prior to her interview to boost her energy. She was told afterward that she scored a second interview due to her enthusiasm.
- Another student who had a phone interview, dressed in her suit and stood up when the interviewer came on the line—even though they could not see her—to be sure that her body language and tone conveyed her intended message.

Whether in the role of interviewer or interviewee, how do we apply this information strategically?

1. Make sure that your manner matches your message. When there is a mismatch between our words and our nonverbal signals, the brain defaults to the nonverbal. A clear example of this is an insincere apology; the insincere tone negates the words. While the mismatch may be more subtle in an interview, such as feigning interest in a topic or practice, the insincerity can be detected. Be sure that your message and your nonverbals align.

2. After the interview, people remember how they felt more than what was said. Be authentic to create trust and a positive emotional experience. When the interviewer had a positive emotional experience, the likelihood of an offer is higher, and the stats will be used to justify the hire. The opposite is true, too. The candidate may have said all of the right things, but something felt "off" to the interviewer. Or the interview went well, but the candidate didn't care for the firm atmosphere. Creating a positive emotional experience helps both the interviewer and the candidate focus on what matters.

3. Avoid scripts. Be prepared, yet able to speak conver-

sationally and extemporaneously; sounding scripted sounds inauthentic, and creates a less positive emotional experience.

4. Check in with yourself. Are you broadcasting calm and confidence? Or anxiety and uncertainty? Make sure that your body language is open and relaxed, and posture straight, so as not to project unwanted or unintended impressions. Whether walking into a face-to-face interaction, or getting on a phone call, ask the question, “What am I broadcasting?”

5. Before any important interaction, take several long, slow deep breaths. Breathing evenly and deeply increases mental alertness and lowers stress by releasing a cascade of calming brain chemicals. Breathing evenly throughout any interaction will keep thoughts clear and stress levels low.

6. Ask questions and actively listen to the answers.

Active listening has been shown to lower the blood pressure of the participants and create meaningful connection. Both the firm and the candidate should make sure that they are engaged in focused listening and that their values align, since a values mismatch can lead to a placement mismatch.

These principles apply to our daily interactions as well. With clients, colleagues, new business prospects, or presenting at conferences, enhanced awareness of your nonverbal communication will enhance your experiences and your success.

ABOUT THE AUTHOR:

Judith Gordon is founder of LeaderEsQ, educating lawyers and law firms on designing sustainable careers with coaching and programming. Judith teaches at UCLA School of Law, and, in a former life, was a recruiter with SeltzerFontaine. She can be reached at judith@leaderesq.net or (310) 968-7270.

You have likely seen the headlines announcing laws banning employers from asking an applicant’s salary history and wondered – *this can’t be...Am I really prohibited from discussing current and past salary information with candidates and sharing that information with my clients? What impact will this have on my ability to do my job?*

Laws prohibiting inquiries into applicants’ salary history are part of a national bipartisan push to close the gender-pay gap. The movement began in late 2015, when California passed the stringent California Fair Pay Act, and gained traction over the following year. Indeed, in 2016, Massachusetts became the first state to ban employers from seeking information about an applicant’s compensation history during the hiring process. Since then, pay equity laws have only increased in popularity as legislatures of both parties can safely take the uncontroversial stand that: men and women should be paid equally for doing the same job. This realization has translated to tangible results: as of August 1, 2017, the National Conference of State Legislatures counts more than sixty pay equity bills pending in more than twenty states and municipalities.

Laws banning salary history aim to correct gender pay inequities that exist in all professions, including the legal industry. As shown in “A Current Glance at Women in the Law – January 2017” published by the American Bar Association Commission on Women in the Profession, a typical female equity partner in the 200 largest firms earns 80% of the compensation earned by the typical male partner. The New York Times has reported that “female partners earned an average of \$659,000 annually compared with an average of \$949,000 for male

Closing the Gender Pay Gap: Salary History - A New Recruiting Taboo

partners.” On average, male partners make 44% more than their female counterparts.

The reasoning behind pay history bans is as follows: when a woman accepts a lower offer when she begins her career, the lower starting salary will follow her throughout her career as most companies base their offer on what an applicant made at their last job. Salary history bans force companies to base pay on the value of the job within the organization and the market rather than the applicant’s prior history.

States and municipalities continue to pass legislation to tackle pay inequity. Following Massachusetts’ example, major metropolitan cities such as New York City and San Francisco have passed pay equality bills over this past year, ensuring the trend will continue to spread coast to coast. The following states and municipalities have passed salary inquiry bans:

<u>Municipality/State</u>	<u>Date Effective</u>
New Orleans	January 2017
Pittsburgh	January 2017
Oregon	June 2017
Delaware	June 2017
San Francisco	July 2017
New York City	October 2017

*States with proposed legislation that would restrict / eliminate inquiries about salary history: Arkansas, California, Connecticut, District of Columbia, Florida, Georgia, Illinois, Iowa, Montana, Texas, and Washington.

In addition to the pay history bans, states have attempted to address the gender pay gap through pay transparency laws. This movement began in earnest with the Lilly Ledbetter Fair Pay Act's enactment in 2009 and continues to the status quo. Pay transparency laws help identify and eliminate pay discrimination by allowing workers the right to

discuss what they are paid and use that information during salary negotiations. Knowledge of what other employees make plus aspirational salary expectations enable women to alter their negotiation strategies. The following states currently have pay transparency laws:

<u>State</u>	<u>Law</u>
California	California Equal Pay Act
Colorado	Colorado Anti-Discrimination Statute
Connecticut	Connecticut Labor Statute
District of Columbia	D.C. Wage Transparency Law
Illinois	Illinois Equal Pay Act of 2003
Louisiana	Louisiana Equal Pay for Women Act
Maine	Maine Equal Pay Law
Maryland	Maryland Equal Pay for Equal Work Law
Minnesota	Minnesota Pay Transparency Law
Michigan	Michigan Pay Transparency Law
New York	New York Equal Pay Law
New Jersey	New Jersey Law Against Discrimination
New Hampshire	New Hampshire Equal Pay Law
Oregon	Oregon General Anti-Discrimination Law
Vermont	Vermont Fair Practices Law

These laws will no doubt significantly impact legal recruiters and compensation trends generally. As the push to close the gender-pay gap continues, keep the following in mind:

1. Know the local legal landscape. This is a state and local law trend. Educate yourself and anyone who assists you in the recruiting process about the local law's requirements.

2. Focus on salary expectations. Ask applicants for

their salary expectations instead of their salary histories.

3. Leverage new rights to discuss pay. Many pay-equity measures give workers the right to divulge and discuss what they're paid. Track that information and leverage it for the client and/or the candidate in salary negotiations.

4. Document disclosures. Create a process to document if an applicant voluntarily discloses salary histo-

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ry and other compensation information. The laws do not prohibit unsolicited, voluntary disclosures by the candidates.

5. Incumbent salaries are in play. Existing internal salaries will be one of the key pieces of information that employers rely on to calculate salary offers. And, companies making offers now might be required to give raises to incumbent employees.

6. Continue monitoring and tracking information in the marketplace. Market knowledge and specific salary data across positions and locales throughout the industry is even more crucial as salary decisions are increasingly scrutinized.

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Editor's Note: This topic will be discussed further at the NALSC Fall Symposium in New York City on October 20, 2017. Come and get answers to your questions about this and other developing employment law issues that affect legal recruiters.

The Why/When/What/How of Business Plans

by Barbara Mayden, Esq. and Valerie Fontaine, Esq.

Nobody likes homework. And legal search consultants making nice with candidates hate assigning homework. But assign we do, the homework of creating a detailed business plan. This article addresses the *why* (... are we being mean and making the assignment); the *when* (... in the process is the exercise best undertaken); the *what* (...should it contain); and the *how* (...should it be drafted to be most impactful).

Why?

- Is it to show the prospective firm?
 - ◊ Not necessarily! They may ask, or they may not; the Firm's LPQ ("lateral partner questionnaire" for the uninitiated) may cover similar territory.
- Is it for the search consultant?
 - ◊ Well, somewhat; gives us a better idea of what we're selling... but not reason enough in itself to go through (what should be) the deep thought that goes into it.

So, who's left?

- The candidate.
 - ◊ It focuses the mind. Even if the plan never is shared with a prospective firm, it gets the candidate's mind wrapped around what she wants/needs - prospectively.

A resume and, for the most part, the LPQ, which covers billings, rates, collections, client names, compensation, etc., looks backwards. What has the candidate done? What business has she developed? But, instead of relying on "Past Is Prologue," a thoughtful business plan plays it forward. Many candidates understandably are reluctant to guarantee that x, y and z will follow a move. By putting strategy in writing, the candidate can illustrate how past plus a new bench might result in a fruitful relationship.

When?

At the beginning of the job search process - at the "should I be looking around?" stage - the potential lateral should put pen to paper. The desired result is a thoughtful piece focusing on the goal of a potential move and the strategy to achieve that goal. Is the goal to expand current penetration in a health care transactions practice? What could get the candidate there? What is her strategy?

An office in Nashville, the "Silicon Valley" of healthcare? A firm with a more robust health care regulatory practice, to cross sell from the candidate's transactions practice?

And the piece will identify just how those factors will allow the candidate to expand her existing practice.

Once the goals and the strategies are identified, the search consultant and candidate are in a better position to evaluate which firms might be worth considering.

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“...a thoughtful business plan plays it forward. Many candidates understandably are reluctant to guarantee that x, y and z will follow a move. By putting strategy in writing, the candidate can illustrate how past plus a new bench might result in a fruitful relationship.”

What?

What should this business plan contain? Yes, certainly, a list of present clients and the areas of expertise the candidate offers them and the types of matters handled for them. But, this is merely the opening, or springboard into the meat of the plan; it isn't what the business plan is about. That's looking backward. The business plan is the going forward roadmap. That "springboard" isn't just a listing of clients served, expertise and deals or cases closed. It digs down into the nature of those client relationships developed via those deals or cases - who are those client relationships (the actual human beings) and what position they hold to enable directing business, and to whom/what areas.

The plan will provide a market analysis, objectively identifying trends in the areas of the candidate's expertise that might be most expected to result in enhanced demand for legal services.

The plan will focus further on synergies with a prospective firm platform. The document produced at the outset of a search, as indicated above, is a template, and will change as different firms are evaluated. At the outset, the thought goes into what a firm should offer in order to enhance the candidate's practice, e.g:

- What is the juicy cross-selling client bases that a firm should provide that the current firm does not)?
- What types of “office synergy” would be helpful? For example, the candidate has a client with *boucoup* energy needs, but her current firm is in Boston only; the plan might detail a firm with a Houston office can double the amount of business she can get from this client....

How?

The business plan must be detailed and specific. It should not only name names, but the narrative also should be detailed about the candidate's relationship with the client/potential client/source. Thus, a good business plan provides answers to questions such as:

- Who are the candidate's specific contacts at the clients?
- Are they the people who give out business?
- What happens if there is a change in personnel at the client? Are there back-up contacts?
- How long has the candidate worked with the client?
- Who originally brought the client to the firm?
- Do other attorneys at the firm work on the client's matters?
- When was the last time the candidate got work from the client?
- Does the client send business regularly?
- What kind of work does the candidate get from the client?
- What other kinds of legal work does the client have that the candidate does not currently service? Who/what firm(s) currently handle that work?
- What other skill sets does the candidate need to more fully service the client?
- Does the potentially acquiring firm have those skill sets, or will it necessitate adding other practice areas?
- Is the candidate targeting a particular industry or practice niche? If so, what is its growth potential?
- Do the candidate's client base, industry focus, and practice area fit the target firm's strategic growth plan?
- Why does the candidate think she can build his practice at the target firm as opposed to the current firm?

Bottom line, an effective plan answers these ulti-

mate questions: If I were a client, would I hire this lawyer? Would I follow the candidate to another firm - and most importantly, to the target firm? These are questions and answers that: Yes, the target firm will want to understand. Yes, the search consultant will want to understand. But, most basically, by completing this homework assignment, the *candidate* can understand what she has to sell, and whether a potential buyer is likely to meet her objectives.

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Avis is a longtime NALSC member who is new to the Board of Directors. We are pleased to share a bit about Avis so we can learn more about the person behind the smile we always see at the conferences.

Avis grew up in the small town of Johnston, Rhode Island, in a neighborhood of predominantly boys, and characterized herself as a tomboy. As a high school freshman, she was the first and only girl on the boy's track team. Although she claims she was "terrible at track," her recruiting skills began to display themselves - by the time she was a senior, the school had a girl's track team.

In college, Avis majored in English Literature and minored in Art History. Why did she select those areas? She loved - and still loves - literary fiction; English Literature was the perfect major for her. Reading and discussing great literature allowed her to experience the world and shape her point of view apart from the very small town in which she grew up.

Upon graduating, Avis was undecided about her career

Member Profile: New Board Member, Avis Caravello

By Dan Binstock, Esq.

plans and felt that a law degree would be useful and worthwhile, even if she decided not to practice law. Additionally, growing up she loved watching Perry Mason. She admired the role of the lawyer as a counselor, problem solver, advisor and, most importantly, the integrity of the profession as it was portrayed in his role. So, she attended Boston University School of Law.

During law school, Avis worked as a first-year summer associate in the Suffolk County District Attorney's Office and spent her second-year summer at a firm in Newport, Rhode Island. Following law school graduation, she moved across country to become a first-year associate at a law firm in Los Angeles.

As to being a lawyer, Avis enjoyed being surrounded by bright, hardworking colleagues. But she did not like the realities of the adversarial practice of litigation and feels she would have been better suited as a transactional lawyer.

So how did recruiting enter her story? The law firm she was working for in Los Angeles was disbanding, so she met with a recruiter (who had just started her business and was working solo) to help locate non-legal opportunities such as in investment banking. The recruiter – a former lawyer -- suggested that Avis consider joining her company as a legal search consultant. Avis made the leap and, six months later, moved from Los Angeles to San Francisco to start her own recruiting practice.

Many years (and placements) later, it was obviously the right decision. Avis's practice focuses on partner and practice group searches predominantly in San Francisco and Silicon Valley. Much of her work is on a retainer basis.

Avis loves the dynamic nature of recruiting. According to Avis:

"Each new search/new candidate presents a unique set of circumstances and challenges. I am never bored! I love building and partnering with firms and working with them on a long-term basis to achieve their strategic growth goals. I also recognize and am humbled by the impact we as recruiters can have on a candidate's career path. I enjoy advising and facilitating what I hope to be a career changing/enhancing move for my candidates. It is gratifying to have a positive effect on an individual's professional and personal wellbeing."

"Over the last 30 years I have found that, most of the time, something productive can be gained from a deal lost. It may take time, but maintaining relationships, especially amidst disappointment, will generally yield new opportunities in the future."

AVIS CARAVELLO
ATTORNEY SEARCH CONSULTANTS LLC

Naturally, recruiting presents certain challenges. Avis has found that unrealistic expectations – on both the candidate and law firm side, rooted in a lack of knowledge of the local market – can be frustrating at times.

In terms of dealing with the inevitable disappointments, Avis states:

"The wins in recruiting are big and the losses equally so. When I'm faced with disappointment, I look ahead to the placement that will be around the corner. I always try to salvage something from a lost deal. I take a very long-term approach to recruiting. Over the last 30 years I have found that, most of the time, something productive can be gained from a deal lost. It may take time, but maintaining relationships, especially amidst disappointment, will generally yield new opportunities in the future."

The best advice she has received about recruit-

Continued from page 15

ing? “Stay true to your personal beliefs and practices even if some around you are seemingly successful by cutting corners and not playing fair.”

A few other interesting facts:

- **Favorite TV show:** “I love watching Jacques Pépin’s cooking shows. It reminds me of being in my grandfathers’ kitchen as a child learning how to cook.”
- **Favorite music:** “Right now I’m listening to a lot of Chris Cornell, London Grammar, Florence and the Machine, the Eagles and Sade”
- **Most influential book:** “Virginia Woolf, A Room of One’s Own because it validated the need and importance for women to not place limitations on themselves.”
- **Personal:** “I have boy/girl twins who will be leaving for college in the coming weeks. I love living in the San Francisco Bay Area and taking advantage of the healthy lifestyle this region offers, including cooking and eating fantastic locally grown food and running and hiking the hills in Marin County where I live.”

Thank you, Avis, for all of the contributions you have made to this industry and NALSC over the years, and we are honored to have you on the Board of Directors.



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