

NALSC® NEWS

National Association of Legal Search Consultants Newsletter

Winter/Spring 2020

“The NALSC Symposium is indispensable for the latest market intelligence, and insights you won’t get anywhere else.”

“The panels were excellent and I really appreciated that there was more law firm representation.”

“The NALSC Conference was very valuable to my attorney search firm because it was both educational and enabled exchange of ideas on best and new practices with both presenters and other attendees. Members are a very sharing group.”



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President's Message

by Dan Binstock



Dear NALSC Members,

I hope you all are having a good 2020 so far. I am pleased to share that under the leadership of a great Board and Headquarters, NALSC is flourishing and achieving some record numbers. We are 200 members strong, as an increasing number of legal search firms are joining, in addition to law firms. Search firms are joining due to the many benefits such as affiliation, credibility, networking, education, advertising, visibility via NALSC directories, adherence to the NALSC Code of Ethics®, and more. Also, NALSC is partnering with more and more law firms as sponsors and supporting members. The connection fostered between search firms and law firms is crucial to NALSC's mission of upholding the highest ethical standards, building relationships with clients, and the overall success of our industry. Furthermore, NALSC deeply appreciates our corporate sponsors who provide the legal search community with valuable goods and services.

NALSC's upcoming Conference in Nashville is quickly approaching. This event will take place Thursday, March 26th (beginning at 3pm) through Saturday, March 28th (ending at 11am). So far, we already have a very strong turnout. (If you have not registered but hope to attend, please do so immediately before it is sold out.) Conference details, registration form, hotel room block, and sponsor profiles are available on www.nalsc.org. The upscale Westin Nashville is a luxurious hotel located in the heart of the thriving entertainment district, and is also described as an "oasis of tranquility."

We carefully set NALSC programs to incorporate member suggestions and feedback from prior events. We have heard a desire for even more audience interaction and practical take-aways, and this is what you can expect. The sessions will encompass multiple areas for all types of attendees. For example, our Keynote is entitled "Game of Phones" – Build Better Rapport and Make Better Placements. Additional sessions will focus on Recruiting and Retaining Diversity Candidates; Trending: New Practice Areas and Salary Ban Updates; Switching Sides: Lessons Learned on Recruiting, Marketing, and Time Management; Concurrent Breakouts specific to search firms and to law firms; LPQ's and the New ABA Opinion on the Process Surrounding Lateral Moves; Recruiter Role Play; Interactive Roundtables; and a Town Hall Meeting, during which we plan to provide an update on NALSC's strategic plan.

Also, relax with friends and colleagues at our Welcome Cocktail Reception on the beautiful rooftop terrace overlooking the downtown skyline, followed by a brass trio, line dancing and a photo booth in the Hospitality Suite. We will have a Friday luncheon with a door prize drawing, toast to a memorable event over Friday Cocktails, and an offsite gala dinner offering a taste of Nashville's finest cuisine. Enjoy spending time with our sponsors and vendors, catching up with fellow recruiters, and meeting our newest members.

We are currently planning the date and venue for our NALSC 2020 Fall Symposium and will update our membership and legal community shortly. Regarding future NALSC Conferences, we have set the 2021 Conference March 11-13 at the Westin New Orleans at Canal Place, and the 2022 Conference March 3-5 in Arizona at The Scottsdale Resort at McCormick Ranch. So, be sure to save these dates!

Thank you for allowing me the privilege of serving as your President with the assistance from the outstanding Board of Directors and invaluable Headquarters.

Best regards to all,

Dan Binstock - President of NALSC®

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Link to NALSC 2020 Annual Conference:
<https://www.nalsc.org/nalsc-2020-annual-conference/>

NALSC Membership Growth

by Mitchell Satalof

NALSC® is pleased to welcome 19 new members since the last newsletter (Summer/Fall 2019). We currently have 200 members consisting of 139 search firm members, 5 affiliate members, 11 branch office members, 6 individual members, 38 supporting members (law firms), and 1 associate member (vendor). Following is a list of recent new members and the cities and states in which they are based.

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

- Abelson Legal Search – Delaware
- Abelson Legal Search – New Jersey
- The Artemis Group, Ltd. – New York, NY
- Gridline Search + Consulting – New York, NY
- Grover | Bond – Washington, DC
- Legal Select – Ft. Lauderdale, FL
- Major, Lindsey & Africa – Washington, DC
- MB Attorney Search LLC – Milwaukee, WI
- Parker + Lynch Legal - Dallas, TX
- Premier Legal Staffing, Inc. – Camarillo, CA
- Reign's Legal Staffing Agency – Detroit, MI
- Talon Performance Group, Inc. – Minneapolis, MN
- YSR Search LLC – New Orleans, LA

Our new Supporting Members (Law Firms) are:

- Baker & McKenzie LLP - New York, NY
- Cozen O'Connor P.C. – Philadelphia, PA
- K & L Gates LLP – New York, NY
- Latham & Watkins LLP – New York, NY
- Loeb & Loeb LLP – New York, NY
- Stroock & Stroock & Lavan LLP – New York, NY

The Board remains at its maximum head count of 13 and includes Dan Binstock, Mitch Satalof, Nick Rumin, Valerie Fontaine, David Garber, Ken Young, Marina Sirras, Raphael Franze, Avis Caravello, Scott Love, Jane Pollard, Patrick Moya and Arthur Polott.

The Executive Committee is comprised of Dan Binstock (President), Mitch Satalof (VP-Membership), Nick Rumin (VP-Long Range Planning), Jane Pollard (Secretary) and David Garber (Treasurer).

Current NALSC Committees include Executive, Nominations, Newsletter, Ethics, Audit/Risk, Governing Documents, Membership, Long-Range Strategic Planning and Website.

While the Board head count will remain at 13, Nick Rumin will be moving on in March, 2020. Ballots for the 2020-2023 NALSC Board have been distributed to all voting members and will be tabulated prior to the March Conference. There will be a number of new Board vacancies beginning in 2021. For a deeper dive into the obligations and contributions of Board members, please contact anyone on the Nominating Committee (myself, David Garber, Avis Caravello, Raphael Franze or Nick Rumin).

As members, sponsors, event attendees, speakers, committee members, and Board Directors - we truly appreciate all of your efforts on behalf of NALSC in helping to strengthen and grow the organization.

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In-House and Law Firm Interviews are Different Animals

by Patricia Paul, Esq.

Remember in grade school when you learned about words that sound the same but mean different things, like the “plane” you fly in and the “plane” that is a flat space in geometry? The word “interview” is like that for in-house interviews compared to law firm interviews: it happens to be the same word, spelled the same way, but don’t fall into the trap of thinking it means the same thing.

Most of us are very familiar with the law firm associate interview, which can focus on ability, motivation, and work ethic. Those are important for in-house interviews as well, but an in-house candidate also needs to show strong interest in the company and its products, and a burning curiosity about the nuts-and-bolts of the business.

Where a law firm interviewer may want to hear about how a candidate does perfect work, an in-house interviewer wants to hear that a candidate has a sense of urgency and can deliver advice and agreements at the speed of business.

An in-house hiring manager evaluates whether a candidate can earn the trust of internal business clients (sales team, product people, engineers, etc.) so that they go to the attorney for advice early rather than avoiding the attorney as long as possible. The in-house interviewer tests whether the candidate can provide guidance quickly in language that resonates with the business teams rather than needing to research every possible risk while reflexively communicating in lawyerese.

Every law firm - yes, even the legendary firms - has that attorney who’s a brilliant technician but everyone says “OMG who let them in the room with the client, they will drive the client nuts” - and the in-house hiring managers are going to make sure your candidate isn’t that person. Your candidate needs to show that they are engaging and relatable, and that’s in every interaction they have at the company. Make no mistake; that includes the interactions the candidate doesn’t think of as “interviews.”

Candidates who are interviewing for in-house roles need to understand that scheduling can be very different than for law firm interviews. The in-house department inevitably has competing priorities, even on an urgent search (acquisitions, investigations, reporting season, etc.). And, in contrast to law firms, the hiring professionals at a company are likely to have responsibility for many functions in addition to legal. Consequently, there sometimes can be more pauses in the timing of in-house interviews.

The interview process at most law firms is fairly traditional, relying heavily on a conversational style and question-and-answer format. For in-house roles, the interview might involve a hands-on process like being handed a “sample” email or contract and being asked what advice they’d offer to a sales team based on those documents. It might involve formal psychometric testing. There could be case-study style questions designed to test the candidate’s approach to risk and problem-solving in situations of uncertainty. Many in-house interviewers will ask questions that they know the attorney can’t possibly know the answer to, in order to see how the attorney thinks about novel problems. Candidates may be asked about leadership style, and about what people they supervise would say about them. And, while it might seem

“Where a law firm interviewer may want to hear about how a candidate does perfect work, an in-house interviewer wants to hear that a candidate has a sense of urgency and can deliver advice and agreements at the speed of business.”

obvious that an in-house hiring process is likely to involve some non-attorneys, candidates often don’t give enough thought and preparation to their interviews with business-side decision makers.

The very qualities that a candidate might want to highlight to a law firm - perfectionism, fanaticism about detail, being a “lawyer’s lawyer” - may send in-house hiring managers running. In-house hiring managers aren’t looking for “the most hardworking, the most perfectionistic.” Instead, in-house interviewers look for that elusive “happy medium”: the candidate who isn’t the dreaded “department of no” but also has the backbone to say “no” when it really counts, and who does great work but knows it has to happen at the speed of business.



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How to Get CLE Credit for NALSC Programs

By Natalie Thorsen Harris, Esq.

If you are an attorney, depending upon the requirements of your state bar, you might be able to get MCLE (Mandatory Continuing Legal Education) credit for attending NALSC conferences and symposia. I decided to check it out with my state bar association and was successful in getting credit for some of the programs I attended. Perhaps you can, too. I've included my process below to help you get started.

What qualifies as MCLE?

Again, each state bar is different. The State Bar of Arizona does not approve or accredit CLE providers or programs. Its website states, "Rule 45, Ariz. R. Sup. Ct. and the accompanying MCLE Regulations are predicated on the assumption that attorneys can evaluate CLE activities offered based on the guidelines set forth in the Regulations, and report their activities by affidavit."

The State Bar of Arizona states that an event or program must meet the following criteria to qualify towards MCLE requirements:

1. The program must have attorneys as the primary audience, with at least five attorneys present.
2. Main goal of the program is to increase the attorney's competence as a lawyer.
3. The program must deal with matters directly related to the practice of law, professional responsibility, or ethical obligations of attorneys. For example, a tax attorney taking courses to become a CPA cannot claim that as legal education.
4. The program must have an agenda, written materials, and a certificate of completion or attendance.

"If you are an attorney, depending upon the requirements of your state bar, you might be able to get MCLE (Mandatory Continuing Legal Education) credit for attending NALSC conferences and symposia."

The State Bar of Arizona website goes on to state that these "standards are very broad and many providers and sponsors routinely meet these standards."

Do NALSC programs and presentations qualify as MCLE?

Sometimes. For example, at NALSC's 2019 Annual Conference in Las Vegas there was an interactive panel on attorney mental health. The program had at least five attorneys present, the primary audience was both recruiters and attorneys, with the main goal of the program to increase the audience's competence as recruiters and attorneys. The program, without question, dealt with matters directly related to the practice of law, professional responsibility, and ethical obligations of attorneys. The panel had an agenda, written materials, and certificates of completion available upon request.

To receive Arizona MCLE credit, I included the program information in my MCLE affidavit to the State Bar of Arizona. Arizona only requires the MCLE affidavit to receive MCLE credit. Other states may require more. Active Arizona lawyers are, however, required to maintain records evidencing participation in CLE for two years after the affidavit filing. Therefore, after contacting NALSC HQ to receive confirmation of my attendance, I then gathered the following for my MCLE records: a copy of my participation certificate, notes, a copy of NALSC's conference program which included the course description and speakers' bios, and other program materials. Each year the State Bar of Arizona randomly selects a number of active members and audits their MCLE records.

Each state bar has its own requirements regarding certification of MCLE courses and providers. NALSC itself is not accredited by any state bar as an MCLE provider as the organization would have to meet the various requirements of each individual state. Check your state bar's website to see whether, like in Arizona, it will allow individual programs to qualify for MCLE so that you, too, can get credit for attending NALSC's educational events.

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2020 Vision for the Future of NALSC

By Patrick Moya, Chair of Long Range Strategic Planning Committee

In 2020, the Long Range Planning Committee is working to define NALSC's vision for the future. In early 2019, we reached out to all NALSC members and asked you to participate in our survey to help shape our organization going forward. We were very fortunate to receive numerous responses, so, thank you to everyone who gave us your feedback.

The purpose of our survey was to conduct a SWOT Analysis on NALSC to take a hard look at the organization, from your eyes, to let us know how you think we are doing. SWOT is an acronym for: Strengths, Weaknesses, Opportunities, and Threats. In summary, it asks what we: do well, do not so well, areas to get better or grow, and things we should consider because they may hurt us as an organization.

While we could not include every single feedback that was given, we compiled the results to focus on areas that appeared multiple times. Overwhelmingly, the respondents stated that NALSC's strengths included enhancing camaraderie, providing valuable education, putting on top-notch events, and offering opportunities to network with law firms. Our Code of Ethics is another item that our members and sponsors appreciate. In terms of areas where we can improve, or weaknesses, you would like us to focus our efforts on: events (this was mentioned as both a strength and a weakness), website, making our membership more robust, and expanding our ability to enforce our Code of Ethics in the broader legal marketplace. With respect to opportunities, you've asked us to create more awareness with clients, increase our presence (i.e. social media and PR) and do what we can to have more local events or even create local chapters. And you feel our big threat is not staying current and up to date on industry trends.

While we may not be able to accomplish all of these goals, we will do our best to accommodate as many as possible. Our Long Range Planning Committee consists of seven members and if you have any further suggestions or comments, please direct those to me, Patrick Moya, at pmoya@quaerogroup.com. We will give you our next update at the NALSC Conference in Nashville this March.

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“NALSC’s strengths: enhancing camaraderie, providing valuable education, putting on top-notch events, offering opportunities to network with law firms, and our Code of Ethics. NALSC’s weaknesses: events (this was mentioned as both a strength and a weakness), website, making our membership more robust, and expanding our ability to enforce our Code of Ethics in the broader legal marketplace. Opportunities: create more awareness with clients, increase our presence (i.e. social media and PR) and do what we can to have more local events or even create local chapters. Threat: not staying current and up to date on industry trends.”

Headhunter Litigation Puts Spotlight on Secretive Industry Focused on Partner Moves

With new headhunters entering the industry and big money that can be made as partner pay packages increase, the competition for candidates and credit has gotten fierce.

By Jack Newsham

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It's a litigious time for law firm recruiters.

In recent months, two high-profile lawsuits were filed over fundamental concerns in the legal recruiting industry. One suit was filed, [and then settled](#), between headhunting firms Major, Lindsey & Africa and Mlegal Group over noncompetes and competition for clients. The other suit was filed by Boston Executive Search Associates [against Freshfields](#) Bruckhaus Deringer over allegedly cutting the headhunters out of a lucrative lateral fee.

These suits are the latest disputes to be aired publicly in a field where confidentiality reigns and no one wants to be seen as a troublemaker. With new headhunters entering the industry and big money that can be made as partner pay packages increase, some recruiters say the competition for candidates and credit has gotten fierce. (Four partners at various New York law firms put the number of cold calls and emails from recruiters at between 1 and 12 per week.)

Now private disputes over fees are flowing over to public court dockets.

Given occasional competing claims to placement fees and difficulties that recruiters have in other industries, "it's surprising there are not more lawsuits between law firms and recruiters," observed one recruiter, Ross Weil of Walker Associates, adding his firm has "had no reason to ever be litigious" with clients.

Recruiters who say law firms cut them out of payments, even when they make the introductions to key laterals, are a top theme in recent litigation. That includes the suit that Boston Executive brought against Freshfields over the lateral partner group led by Ethan Klingsberg. In 2017, the same recruiting firm also sued Simpson Thacher & Bartlett over an allegedly unpaid fee; the case [settled](#) in 2018.

In July, New York-based Austin & Devon Associates [sued](#) Windels Marx Lane & Mittendorf for a \$3 million fee it said it was entitled to; the parties have agreed to arbitrate that matter. In Los Angeles, Kossoris Search is [about to go to trial](#) against Katten Muchin Rosenman over a placement fee for a group with a \$20 million book of business.

One recruiter's unpaid-fees suit filed this year had an unusual twist: [the recruiter wasn't named](#), possibly in a bid to preserve its reputation. An entity called USPLS, which purports to have been assigned a claim by a headhunter, sued two partners from Kilpatrick Town-

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send & Stockton's Houston office, claiming they breached a yearlong search contract by cutting the recruiter out of a deal to launch their firm's Houston office. Law.com has [since reported](#) that the unnamed recruiter was James Wilson of Partners Legal Search.

Competition among recruiting firms is also an element in some lawsuits. The relationships a recruiter builds on the job can be extremely valuable, as the suit between recruiter Lauren Drake of Mlegal and her former firm Major Lindsey made clear.

Unlike lawyers, who are generally prohibited by ethics rules from agreeing to limit their practice in any way, some recruiters are bound by noncompete agreements.

While noncompetes are not universal in the recruiting industry, MLA said in its suit that Drake had signed one that prevented her from working in legal recruiting within 50 miles of the Major Lindsey offices where she'd worked over the two years before she left, or from working with candidates or law firm clients that she learned about at Ma-

for Lindsey for an entire year. No such agreement applied to two other Major Lindsey alumni who went to work at Mlegal, however, according to the suit.

Code of Ethics

Today's competitors can be tomorrow's collaborators. Deals to split fees on lateral placements where multiple recruiters played a move often arise, said several recruiters, as is the feeling that the other recruiter is getting too big a slice.

A falling-out over such agreements was at the core of a dispute that was [settled last year](#) in Texas between Carrington Legal and Johnson Downie, two big-name recruiters in the Lone Star State.

Though much is up for negotiation, there are standards within the industry. For example, the National Association of Legal Search Consultants, which lists 197 members in its online directory, has a [code of ethics](#) that prohibits recruiters from "placing out" of a firm they just placed a candidate into for a six-month period.

Sometimes, such restrictions are enshrined in the contracts that recruiters often have with law firms to supply them with candidates. These restrictions, in turn, can prompt lawsuits.

Cole Schotz, a midsize law firm mainly on the East Coast, [sued](#) Lucas Associates in Manhattan Supreme Court last month for allegedly convincing an associate that Lucas itself had placed at Cole Schotz in 2015 to move again in 2019. Their contract, attached as [an exhibit](#), states, "the search firm shall not solicit any of [Cole Schotz's] attorneys for the purpose of placing or seeking to place

them at another law firm, corporation or any other organization while this agreement is in effect."

Glenn Kazlow, who is Cole Schotz's general counsel and signed the contract with the recruiting agency, didn't respond to a call seeking comment. The Lucas Group didn't respond to emails.

At the end of the day, while several recruiters' disputes have landed in court, many other headhunters don't want to set foot in a courthouse. For them, keeping one's name unsullied is a top priority.

"I'm absolutely never going to get in a lawsuit with a law firm," said Linda Ginsberg, a New York-based recruiter at the firm Ginsberg Partners. "It's ridiculous for one individual to sue a law firm and expect to have an ongoing, high-road reputation in the industry."



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Best Practices: Shared-Fee Agreements

By Valerie Fontaine, Esq. and Arthur Polott, Esq.

One of the benefits of NALSC membership is getting to know legal search consultants across the country we can team up with on searches. Knowing that your fellow NALSC members also believe in keeping up with best practices in legal recruiting and adhering to the Code of Ethics provides a level of trust and an expectation of fair dealing when working jointly on projects.

Nevertheless, just as we strongly recommend executing a written fee agreement before embarking on a search for a client, we likewise urge you to have a shared-fee agreement in place before working with another legal search consultant, whether or not they are a member of NALSC. Clarifying expectations at the outset reduces the possibility of disappointments or disagreements down the road.

Typical clauses included in a shared-fee agreement include:

1. The agreed-upon division of fees received by either party relating to, or resulting from, any candidate, client, or search assignment referrals shared or accepted between the parties.
2. An understanding that neither party is under any obligation to make or accept referrals from the other unless it is mutually advantageous to both search firms.
3. The "shelf life" of the referral—the agreed-upon period of time the parties are entitled to a fee split after the last communication in relation to a referred candidate, client, or search assignment.
4. An agreement that all client, candidate, and search assignment information shared is considered confidential.
5. Payment terms for any fees due under the shared-fee agreement and whether the parties are required to provide proof of payment from the client (i.e. copy of the check, electronic payment, etc.) for any fee(s) received related to a referral.
6. An agreement that both parties share responsibility, and in what percentages, for any issues related to the guarantee and/or refund policy in place with a client where a placement is made. In the case of a refund due to one party's client, the time period in which the other party will reimburse any applicable portion.
7. Should there be any disagreement or legal action resulting from a breach of the shared-fee agreement, which state's laws will govern and serve as the venue for its resolution and whether the prevailing party is entitled to recover reasonable attorney's fees and court costs in addition to damages.

8. The term of the agreement or, if it is to remain in effect continuously until revoked by either party, the manner of revocation. Also, in the event the agreement is revoked, whether any terms remain in force.

9. You can also add a term requiring that both parties abide by the NALSC Code of Ethics (which should be a given if both recruiters are NALSC members, but this would allow you to use the same agreement in confidence if you wish to team up with a non-NALSC member).

We plan to add the above information as a resource to the NALSC webpage in the ShareServ members only section. We envision this as a “living document” with the latest best practices. Therefore, we invite members to email info@NALSC.org with any additional suggested split fee agreement terms you have gleaned from your experiences.

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The Recruiter’s Bookshelf

By Raphael Franze
featuring guest author Scott Love

THE ONE THING:

THE SURPRISINGLY SIMPLE TRUTH BEHIND EXTRAORDINARY RESULTS

by Gary W. Keller and Jay Papasan

In our previous installment, The Recruiter’s Bookshelf featured *Essentialism: The Disciplined Pursuit of Less*. Whereas *Essentialism* elegantly provides a philosophical understanding of “the vital few from the trivial many,” *The One Thing: The Surprisingly Simple Truth Behind Extraordinary Results* takes a more tactical approach to executing upon the vital few and (as the title suggests) doing so with a singular focus.

Authors Gary Keller (founder of Keller Williams) and Jay Papasan pose the one question that serves as the book’s central theme: What’s the one thing I can do right now such that, by doing it, everything else will become easier or unnecessary? While that “one thing” can vary due to time and circumstance (for instance, our one thing at 2 PM on a weekday is likely work-related and the one thing for most of us at 8 PM centers on our personal lives, while the one thing at 2 AM generally involves being sound asleep), we will be applying this question to a recruiter’s workday.

Much of *The One Thing* addresses six commonly held beliefs (“The Six Lies”) that, by debunking them in our own lives, will set us on a path towards greater productivity:

1. Everything matters equally
2. Multitasking is effective
3. A disciplined life is necessary for success
4. Willpower is always on will-call

5. A balanced life should be maintained
6. Big is bad

While #4 resonated with me greatly, each of the lies can mean the difference between a mediocre recruiting practice and a prosperous one. To illustrate, I am highlighting a prioritization technique that had been articulated to me years ago by former NALSC Executive Director Joe Ankus on a podcast hosted by Scott Love (my co-contributor for this piece); this technique sits taped atop my desk as a daily reminder and, for our purposes, will serve as a template for productive recruiting:

1. Do I have offers to close?
 2. Do I have interviews to follow-up on?
 3. Do I have people to prepare for interviews?
 4. Do I have interviews to set up?
 5. Do I have resumes to follow-up on?
 6. Do I have resumes to send out?
 7. Do I have a “most placeable candidate” or job to market?
- (Only after these questions have been addressed in order at any given time of the day is it advantageous to cold call.)

Implied in this list is the notion that everything does not matter equally. Specifically, job offers matter the most in a recruiter’s day while cold calls matter the least with everything else having its proper place. The book highlights the Pareto Principle (aka the 80/20 rule) in emphasizing how this shift in thinking is significant in turning merely busy days into productive ones.

As for the myth of multitasking, the existence of such a list gives a

clear priority to what the one thing is that should be addressed at any given time. It also serves as a guide for time-blocking to avoid randomly straying from task-to-task and suffering the real cost of what is known as “task-switching.”

Abiding by the list on a daily basis is itself a habit-forming practice which, in the long run, requires less discipline in one’s work. Much like abiding by a morning workout routine, the initial adaptation of these recruiting guidelines may require discipline to start before executing on autopilot in due time.

For me, understanding that willpower is a finite resource throughout one’s day was a revelation. As such, I align my willpower reserves throughout the day with my most important tasks: instead of starting the day with cold calls to “get my day going” and “get my phone time in,” addressing higher priority items when I have the greatest capacity to complete them effectively is now the norm.

While *The One Thing* addresses balance in various aspects of life, it does de-emphasize its importance in one’s work. In recruiting, for instance, diverting attention from higher priority tasks to cold calls for the sake of “keeping the pipeline full” would merely shortchange all efforts without anything getting its proper due. Whereas personal life requires more balance to maintain family relations, self-care, etc., getting out of balance occasionally by giving ample time and energy to “closest to the money” tasks is actually a big part of attaining extraordinary professional results.

Finally, of all the aforementioned lies, I consider “Big is bad” to be the one that is the most fear-based. In an effort to stay in one’s comfort zone, expectations are often lowered and small thinking is adopted to remain in alignment with them. Adhering to the prioritization technique enables recruiters to focus on big objectives on a daily basis, thus setting the foundation for larger goals in the mid- and long-term.

SCOTT’S TAKE

In *The One Thing*, authors Keller and Papasan share how one concept in particular, known as the Pareto Principle or the 80/20 rule, can help us achieve greater success. What I have observed in my personal experiences, after reading and applying this book several years ago, is that this concept applies directly to the recruiting industry.

The authors mention the story of the little-known 19th-century Italian economist Vilfredo Pareto, who wrote a mathematical model for income distribution in Italy which summarized how wealth was not evenly distributed as shown by 20% of the people owning 80% of the land. Pareto believed this high concentration was predictable. Quality Movement pioneer Joseph Juran introduced this concept to the United States, showing that this concept applies broadly in many other areas. For example, Juran knew that a small number of production flaws would produce most of the defects. Juran called this concept “Pareto’s Principle of Unequal Distribution.” Keller and Papasan also refer to Richard Koch, author of *The 80/20 Principle*. Koch states that we can be more effective with less effort by learning how to identify and leverage the 80/20 principle, that 80 percent of all our results in business and in life stem from a mere 20 percent of our efforts.

Bringing this concept to recruiting, how can you apply it to the work of making placements? What few action items lead to your greatest

“Koch states that we can be more effective with less effort by learning how to identify and leverage the 80/20 principle, that 80 percent of all our results in business and in life stem from a mere 20 percent of our efforts.”

results?

As it relates to my own search practice, I’ve drilled down on ways to define precise moments in time that serve as the greatest inflection points in moving my candidates forward, from the very beginning of my initial reach-out to the time they receive and accept offers. In the process, I remove other activities from my practice that do not contribute to the few results that are massively impacting.

In *The One Thing*, Keller and Papasan emphasize asking questions such as “What is the one thing I truly want?” and “What is the one thing that contributes the most to it?” They then encourage the reader to ask these questions repeatedly once the reader narrows their activities down to even more limiting actions. In doing so, the reader identifies the 20% of activities that lead to 80% of their results. Then, again from what the reader has identified, they identify the 20% of the previous 20% that lead to their greatest results.

Application for recruiters:

Ask yourself these questions with your team or industry colleagues:

- What is the one outcome I want more of? Presumably more placements.
- What is the one thing/one action that yields more variables that lead up to more placements?
- What is the one thing I can do that can give me more inputs that leads up to more placements?
- How can I trim out miscellaneous activities and focus on this one thing?
- What is the one thing I can do so that I spend more time in the areas that are going to bear more fruit?

If you follow these principles, then I'm certain that the 80/20 rule will become an effective tool for your search practice.

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ABA Formal Opinion 489: A Significant Shift in the Power Paradigm for Departing Lawyers

By Tina B. Solis, Esq. and Christina E. Kurow, Esq.

The American Bar Association's Standing Committee on Ethics and Professional Responsibility recently published Formal Opinion 489 ("ABA Opinion 489"). It is a bold opinion that clarifies the ethical duties of departing lawyers and firms regarding transitioning client relationships and the departure process. ABA Opinion 489, for the first time, acknowledges that a firm's fixed notice period may be unenforceable under Model Rule 5.6(a) if it interferes with client's choice of counsel or unnecessarily interferes with a lawyer's departure. The Opinion also states that a firm cannot prohibit a departing attorney from communicating with the clients about the upcoming departure nor withhold firm resources from the lawyer to service the clients' needs before she leaves the firm. However, it does establish that firms can have policies requiring that the firm and departing lawyer jointly reach out to inform clients, but it requires that the parties act promptly under the circumstances to permit clients to make their decision regarding future representation. Understanding these newly outlined parameters is key for departing lawyers.

Notice Periods That Restrict Client's Choice of Counsel or Restrict the Right to Change Firms Will No Longer Be Enforceable

Law firms have a duty to ensure that client matters transition smoothly when a lawyer departs. Thus, notice provisions in law firm partnership/shareholder/member agreements are commonplace in the profession today. The reasoning behind such provisions is easily understandable. Firms must make certain that client-related issues prior to a lawyer's departure are completed, such as organizing and updating files, adjusting staffing needs and continuing to meet upcoming deadlines.

"It is a bold opinion that clarifies the ethical duties of departing lawyers and firms regarding transitioning client relationships and the departure process."

While acknowledging the use of these provisions, ABA Opinion 489 holds that notice provisions that do not take into account client considerations or improperly impede the departure process may be unenforceable. The Opinion provides that while firms "may require some period of advance notice of an intended departure," such period "should be the minimum necessary, under the circumstances, for clients to make decisions about who will represent them, assemble files, adjust staffing at the firm if the firm is to continue as counsel on matters previously handled by the departing attorney, and secure firm property in the departing lawyer's possession. Firm notification requirements, however, cannot be so rigid that they restrict or interfere with a client's choice of counsel or the client's choice of when to transition a matter."

The opinion cites ABA Model Rule 5.6(a) in support of its holding that “notification periods cannot be fixed or rigidly applied without regard to client direction, or used to coerce or punish a lawyer for electing to leave the firm, nor may they serve to unreasonably delay the diligent representation of a client.” In other words, ABA Opinion 489 prevents notice periods – especially those that exceed 30 days – from doing what many in the profession would argue they were designed to do. Before ABA Opinion 489, fixed notice periods were presumptively permissible – a presumption firms often used for their benefit. This is no longer the case. The burden has now been placed upon the firm to justify the “reasonableness” of its provision. If a firm intends to rely upon a fixed notice period, it must be justified given the “particular circumstances related to the orderly transition of client matters and must account for the departing lawyer’s offer to cooperate post-departure in these and other matters. Otherwise, a firm’s imposition of a fixed notice period may be inconsistent with Rule 5.6 (a).”

The opinion further provides that a departing lawyer may not be held to a notice period where there is no reasonable justification for doing so, for instance, when “the files are updated, client elections have been received, and the departing lawyer has agreed to cooperate post departure in final billing.” Also, a lawyer who does not seek to represent firm clients upon departure should not, according to the opinion, be held to a pre-established notice period “because client elections have not been received.” The opinion also suggests that if a firm typically waives the notice requirement for departing attorneys, it would be unwise for a firm to enforce the provision against a particular attorney who left to compete with the firm.

A Lawyer Cannot Be Prohibited from Soliciting Firm Clients

Consistent with its prior guidance, ABA Opinion 489 continues to encourage a joint written communication from the firm and the departing lawyer notifying clients of the upcoming departure. But the opinion goes one step further. Relying on opinions from other state bar associations, it provides “In the event that a firm and departing lawyer cannot promptly agree on the terms of a joint letter, a law firm cannot prohibit the departing lawyer from soliciting firm clients.” Put differently, a firm can no longer delay in refusing to agree to a joint communication and thus prevent a departing lawyer from communicating the details of her upcoming departure to the clients.

The opinion also imposes a promptness requirement with regard to notification to the clients. It states: “Under the Model Rules, departing lawyers need not wait to inform clients of the fact of their impending departure, provided that the firm is informed contemporaneously.” Before this opinion was published, the firm had to be notified first and then, after providing the firm a “reasonable” amount of time to agree to a joint communication to the client, the lawyer could notify clients of the impending departure. This opinion suggests a much narrower window of time going so far as to suggest that the firm and clients may be informed “contemporaneously” if the firm does not have an established policy to allow a prompt joint communication.

Firms Cannot Restrict Access to Departing Lawyer During Transition Period

Finally, the opinion holds that after the firm has been notified of the intended departure but before the lawyer has left the firm (the “transition period”), a firm must continue to provide the lawyer with access to firm resources to service the clients’ needs. Oftentimes,

after a lawyer has announced her resignation, a firm asks the lawyer to work remotely or moves the lawyer to a different office within the firm. The opinion prohibits such conduct noting “the lawyer cannot be required to work from home or remotely, be deprived of appropriate and necessary assistance from support staff or other lawyers necessary to represent the clients competently, including access to research and drafting tools that the firm generally makes available to lawyers.” Likewise, the firm cannot restrict a lawyer’s access to electronic filing systems, email, voicemail or files during the transition period. In short, the firm must continue to provide the departing lawyer with access to the tools she needs to diligently represent the clients during the transition period.

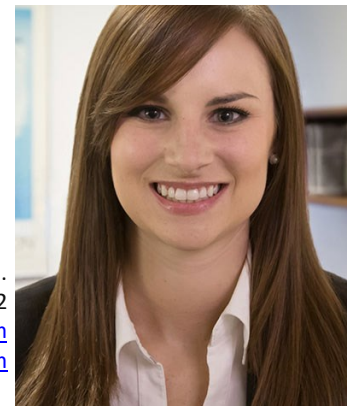
Put simply, ABA Opinion 489 is a ground-breaking opinion and has far-reaching implications for those lawyers considering a possible move. Nonetheless, each state’s rules differ and there is a myriad of issues to consider during the departure process. It is always prudent to consult legal counsel early on in the process before resignation or notice of withdrawal is provided to the firm.

1. See Model Rules of Prof’l Conduct R. 5.1.
2. ABA Standing Comm. on Ethics & Prof’l Responsibility, Formal Op. 489 at 1 (2019).
3. *Id.* at 5.
4. *Id.* at 7.
5. *Id.* at 5.
6. *Id.*
7. *Id.* at 6.
8. See ABA Comm. On Ethics & Prof’l Responsibility, Formal Op. 99-414 (1999).
9. *Id.* at 2-3.
10. *Id.* at 3.
11. *Id.*
12. *Id.* at 6-7.
13. *Id.* at 6.
14. *Id.* at 7.

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Q: HI CARMEN AND A BELATED HAPPY NEW YEAR TO YOU! I UNDERSTAND THAT 2019 WAS A MILESTONE YEAR FOR THE FIRM, PARTICULAR ON THE RECRUITING SIDE. HOW'S 2020 BEEN THUS FAR FOR YOU AND THE FIRM?

A: Last year, the firm took an aggressive approach to growth. In February, we opened a Boston office that has now grown to over 40 attorneys. Our Latin America desk in Miami opened a few months later in June. In addition, hiring remained strong throughout the firm, bringing in over 195 laterals; this brought our attorney count to over 1,000 in 17 offices across 7 countries in North America, Europe, and Asia

Building on an outstanding 2019, we look forward to the year ahead and remain focused on being the leading global law firm with the most respected culture and diverse talent. Our plans include continued growth in transactional and litigation practice groups, cementing our competitive edge in high-stakes legal matters. We are committed to building a firm with continued financial strength, quality, and distinction, for this and future generations.

Q: I RECALL WORKING WITH YOU AT MOFO SINCE THE EARLY STAGE OF MY RECRUITING CAREER IN THE MID-2000S. I KNOW THAT YOU HAD ALSO STARTED IN LEGAL RECRUITING AROUND THEN, BUT WAS RECRUITING YOUR FIRST CAREER?

A: I have a dynamic career path. While interning at Charles Schwab during high school, I decided that I wanted to do challenging work with progressive companies that offered opportunities for accelerated professional growth in global economies. One year later, while attending Berkeley, I confirmed the five companies with which I wanted to establish and build my career. Charles Schwab and Morrison & Foerster were both on that list.

I have always been intrigued by finance and economics and aimed to incorporate these concentrations in my career roles. I like numbers and have a strong appreciation for business strategy in ever-changing world markets. Prior to starting my legal recruiting career at MoFo in 2004, my full-time work experience included ten years in banking & finance for Fortune 50 companies (including Chase as well as Charles Schwab), focusing on lending and asset reconciliation. I also spent four years in large company agency recruiting, including executive placements, tradeshow management staffing, and small company human resources consulting.

Q: WHAT ULTIMATELY LED YOU FROM THERE TO LEGAL RECRUITING AND MORRISON & FOERSTER?

A: I initially became familiar with Morrison & Foerster in high school through its pro bono contributions in the Bay Area community. In college, I read an article about the firm in the San Francisco Business Times that propelled me to discuss the firm with a Berkeley upperclassman who was preparing for law school. The conversation further inspired me to conduct formal research on MoFo. Through my research and additional conversations with business professionals, I learned about the veterans' affairs pro bono work the firm was engaged in and for which it would later receive legendary awards. When I received a recruiting call from a former colleague in 2004 pitching a temporary recruiting opportunity

Sponsor Spotlight: Carmen Kelley

Director of Lateral Attorney Recruiting
at Morrison & Foerster LLP

By Raphael Franze



at MoFo, I was delighted to be considered.

My first year of legal recruiting overlapped with the last year of my career in banking and finance. In accepting the temporary recruiting opportunity at MoFo in June, I had to take a two-week vacation from my banking position. This "vocation vacation" led to a permanent lateral recruiting coordinator position with the firm's San Francisco office that summer. In the midst of negotiating my resignation from the bank, I received a counteroffer for a part-time hybrid role in sales marketing that enabled me to work in both industries simultaneously. I thoroughly enjoyed the challenge of working in two high performing industries during the bullish years of 2004 and 2005 but, in accepting my next promotion at MoFo, I made the difficult decision to fully off-ramp from banking.

Q: THAT'S QUITE A STORY! THROUGH YOUR TIME AT MORRISON & FOERSTER, YOU'VE SURELY DONE AND SEEN A LOT IN YOUR ASCENT TO YOUR CURRENT ROLE. FROM YOUR UNIQUE POINT OF VIEW, HAVING WORKED IN CONJUNCTION WITH MOFO'S MANY DEPARTMENTS, PRACTICES, AND FUNCTIONS, HOW WOULD YOU DESCRIBE THE FIRM'S EVOLU-

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TION DURING YOUR TIME THERE?

A: Throughout my 15-year career with MoFo, the firm has been committed to growing in new ways to better service our clients and ensure our existence 100 years from now. We have always benefited from a highly collaborative culture that encourages innovation in servicing client needs. The creation of our newer practice, Social Enterprise + Impact Investing, is an output of such innovation. Our one-tiered partnership promotes building business and solving problems together, encouraging attorneys to connect legal expertise around the firm in deriving solutions for the complex business issues and legal matters our clients experience across a variety of industries.

In 2007, when the legal industry was still enjoying a successful market, MoFo added a Chief Operations Officer to its leadership ranks. The addition of a COO to work in collaboration with our partner leadership added significant value before the market recession that ensued a year later and continued for several more years. The firm's executive leadership recognized early-on the value such a role could have and acquired outstanding talent ahead of the market shift, enabling the best possible positioning for the firm before market challenges struck. This bold move created a competitive advantage for the firm. It was quite painful to witness numerous law firms collapsing during the recession in the face of various challenges, including the lack of strong executive business leadership.

Q: WHAT DOES YOUR ROLE AS DIRECTOR OF LATERAL ATTORNEY RECRUITING ENTAIL AND HOW HAVE YOUR EXPERIENCES THROUGH YOUR TIME AT MORRISON & FOERSTER INFLUENCED YOU IN HOW YOU PERFORM THE ROLE?

A: In my role, I spearhead acquisition and integration strategies of lateral partner, of counsel, and associate attorney talent. This entails advising firm leadership and management on navigating and resolving talent supply and demand issues related to new initiatives or existing opportunities in the U.S. and Asia, creating and implementing unique programs to distinguish the firm's talent brand in-market, and overseeing the design of processes, procedures, and technologies utilized in the execution of lateral recruiting. I am also honored to lead an outstanding team of high-achieving lateral managers and coordinators who add significant value in the attainment of our attorney talent goals.

As a global leader, I am always looking for ways to further enhance talent at the firm to ensure that we're meeting our clients' needs. I am also looking at ways to expand the firm strategically, which involves taking a deeper dive into how lateral moves are made in the market and putting strategies in place so we can continue to improve upon or disrupt these patterns today and in the future.

The lateral recruiting team partners with numerous departments across the firm. Research services provide valuable market research and targeted competitive intelligence to ensure we're always keeping MoFo a step ahead of the market. We work closely with the marketing team to draft lateral-focused recruiting collateral and messaging that is reflective of the firm's distinguished practices and talent priorities. In addition, we work with the finance team in the business review of lateral partner candidates. Collaboration with the firm's leadership team enables us to focus on the firm's key priorities. We work together to win and, as our Chairman Darren Nashelsky would say, "we build the pie together".

Growth is our agenda. Our lateral recruiting team partners with legal search consultants on attaining best-in-class talent around the world. I welcome the presentation of partner and non-partner candidates to our lateral recruiters.

Q: WITH SUCH RECENT GROWTH, I DON'T DOUBT IT! WHAT WOULD YOU SAY IS ONE OF YOUR PROUDEST ACHIEVEMENTS AT THE FIRM?

A: Being an influencer. I am proud to have developed a deep understanding of MoFo and the lateral talent market over the last 15 years with the firm. My depth of knowledge enables real strategic conversations with our leadership, driving decisions on what we need to do and how we need to do it. Recruiting is like playing chess: you have to be the ultimate strategist. I'm always looking for the next best talent move while also keeping an eye on the legal industry and our competitors.

Q: SOUNDS LIKE ALL THAT KEEPS YOU PRETTY BUSY. WHAT DOES CARMEN KELLEY LIKE TO DO WHEN SHE'S LESS BUSY?

A: For starters, I'm an avid reader. I read a variety of content published for legal, finance, and medical professionals. Being business-orientated with a strategic growth mindset and keen interest in sustainability, I gravitate to business periodicals focused on driving best practices in profitability, innovation, and social impact.

Additionally, I am passionate about education. I regularly contribute to the design and development of college preparatory and retention programs for high-achieving underserved students in California. Collaborating with the Osher Foundation Incentive Awards leadership team at Berkeley, I've been able to impact the college readiness of underserved teenagers in Los Angeles as early as their sophomore year in high school. This focused programming significantly enriched college options for the students and, in many cases, resulted in outstanding preparation leading to successful admission to Berkeley and peer universities. I'm currently working with a quasi-public entity in

San Francisco to establish two educational scholarship funds: one for first generation college students and the other for life-long learners who want to reenter the classroom in vocational or university programs.

I also strongly believe in building strong communities. Shortly after joining MoFo, I received an invitation from San Francisco's then-Mayor Gavin Newsom for appointment to an advisory board focused on the redevelopment of the Bayview-Hunters Point Naval Shipyard, a 500-acre superfund site. During my 15 years of service, I diligently worked with the advisory board team to design plans and oversee the transformation of this 500 acre site from an abandoned shipyard into a new waterfront community of homes, parks, businesses, and a research and development hub for green technology.

Having a strong appreciation for the performing arts, I'm always ready to catch live music or theatre in San Francisco or another city around the globe gifted in the arts. A few of my industry peers in the Bay Area also have spotted me dancing hip-hop, samba, and tap at the famous Oberlin Dance Studio in my free time.

Q: THAT SOUNDS LIKE A FUN WAY TO END A PRODUCTIVE DAY AND ALSO A PRODUCTIVE INTERVIEW. THANKS, CARMEN, FOR SHARING YOUR STORY AND ALL THE GOOD THINGS HAPPENING AT MOFO!

"Recruiting is like playing chess: you have to be the ultimate strategist."

Member Profile:

Board Member

Marina Sirras

President,

Marina Sirras and Associates LLC

(New York, NY)

By Raphael Franze



In the two-plus years that I have taken over responsibility for this Member Profile column, I have gotten to really know my fair share of interesting and impactful board members. In fact, I thought I had gotten to know all of them! I assumed that we had caught up on every board member and, when I began to consider putting this column on temporary hiatus, I learned that one active board member had yet to be profiled. That board member is Marina Sirras.

Marina???? Former Chair of the NALSC Board and NALSC President for a decade – THAT Marina?!?!? How could this be? I have no idea but it is my distinct honor to be tasked with telling her story, as few are as synonymous with our organization as this longtime member.

Marina Spiridellis Sirras' story begins on the Greek island of Limnos. The lone daughter among three sons, Marina mastered being a tom-boy atop Limnos' hillsides, among its almond and fig trees and along its rugged coasts. (FUN FACT: Limnos is easy to pick out on a map, as it bears an uncanny resemblance in shape to the continental United States.)

In 1956, Marina's journey brought her to America where she and her family settled in Bloomfield, New Jersey. A very capable math student in her youth, Marina decided to major in mathematics at Queens College before embarking on her first career as a Marketing Analyst for global market research firm AC Nielsen and then for Warwick & Legler, a mid-sized advertising agency based in New York City.

It was when Marina was a senior in high school that she met her future husband Jim, with whom she would later raise three children. (FUN FACT: Marina and Jim met at a party where her delicious tiropites – cheese wrapped in filo – were served. The way to a man's heart is

through his stomach, indeed!) In doing so, Marina opted to forgo her career as a Marketing Analyst and spent the next two decades at home with her children while also volunteering extensively. During this time, Marina also started two small businesses: one making decorative pillows that she sold to Henri Bendel and Bloomingdale's and another small retail business selling accessories and custom jewelry.

Marina's introduction to legal recruiting actually grew out of her volunteerism, serving at the time as President of the local PTA. A neighbor of hers kept asking Marina to come work at her legal search firm; as her children grew more self-sufficient, Marina decided to take this neighbor up on her offer and spent the next year getting acclimated to this crazy, wonderful business.

Since 1987, Marina has been the Owner/Principal of Marina Sirras & Associates LLC (MS&A), a legal recruiting firm based in New York City specializing in the recruitment of attorneys for law firms and corporations in the United States and internationally. MS&A's practice is a general one which includes consulting services for office expansions, growth strategies, mergers, and practice group acquisitions. In addition, MS&A has developed expertise in the placement of individuals in law firm administration and support staff. MS&A has been a long-standing member of NALSC, for which Marina has been an active leader (as aforementioned).

In her thirty-plus years in legal recruiting, Marina acknowledges experiencing her fair share of ups and downs. She recommends learning from both and how to properly deal with the rejection that is a constant in our industry. While she relishes working with the good clients and candidates that she has developed strong relationships with, she also fights the good fight in combatting the unethical recruiters who give our profession a bad name.

Marina currently resides in Greenwich, Connecticut. She is an active member of the Holy Trinity Greek Orthodox Church Community in New Rochelle, New York, and is currently serving on the Parish Council. She is also very active in the community's chapter of The Ladies Philoptochos Society, where she served three terms as President of the Board of Directors. (NOTE: Philoptochos – Greek for "friends of the poor" – is the duly accredited women's philanthropic society of the Greek Orthodox Archdiocese of America with more than 26,000 members and over 400 chapters in the US).

As many of us in NALSC are aware, Marina and her late husband Jim (for years, an active friend of the organization) were the inspiration for the establishment of the NALSC/Sirras Family Foundation. Established in 2016, the Foundation has worked with Fordham Law School's Public Interest Resource Center (PIRC) in providing funding for public interest fellowships. Marina is very proud of the Foundation's efforts and the good works that it has helped to facilitate. It is her hope for the Foundation to continue these efforts and expand them moving forward.

When Marina chooses to relax, she enjoys having a good laugh watching "Modern Family" and the critically acclaimed Amazon Prime series "The Marvelous Mrs. Maisel." She also enjoys listening to Elvis Presley, a pastime that goes all the way back to her first days in America. Of course, Marina enjoys visiting and spending time with her three children: Jennifer, who had worked with Marina for 14 years as a legal recruiter, lives on Martha's Vineyard with her husband Matt and two children and is now the Manager of Operations at the Martha's Vineyard Endowment Fund; Todd, the father of two teenagers, is a partner and Managing Director at a Los Angeles-based executive compensation firm and resides in Manhattan Beach and Boulder, Colorado; and Christian is a Senior Director of Marketing who lives outside Atlanta with his wife, Dawn,

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and three children. Marina also enjoys doting over her seven wonderful grandchildren (ages 9 to 18 years).

Speaking of her family, Marina informed me that all three of her children excelled in aquatic sports in high school and college. The reason that this is noteworthy is that she herself never learned to swim despite growing up on a small Greek island. (EDITOR'S NOTE: my own Greek mother never learned to swim either despite spending her first fifteen years on the southern Greek coast.)

When you see Marina at the Westin Nashville for the next NALSC Conference, be sure to connect with her and learn about NALSC

from a perspective that few other members can match. You can also ask for her tiropites recipe, but please: resist the urge to nudge her into the pool!

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"If your firm is eligible but lacks certification, you may be missing out on business opportunities. A diverse supplier is at least 51% owned, operated, and controlled by a person or persons of a diverse or disadvantaged background (minority, woman, LGBT, disabled, veteran, small business, etc.)."

Many of our law firm and in-house clients must spend a certain percentage of their purchasing dollars with diverse suppliers in order to bid for state and federal business. Most governmental entities now mandate that their vendors use suppliers that are not only diverse, but also certified as such. If your search firm has that certification, you become even more attractive to your clients because you help them qualify to compete for business.

If your firm is eligible but lacks certification, you may be missing out on business opportunities. A diverse supplier is at least 51% owned,

Are You Certified?

by Valerie Fontaine

operated, and controlled by a person or persons of a diverse or disadvantaged background (minority, woman, LGBT, disabled, veteran, small business, etc.). To become certified, your firm undergoes a review process through an appropriate agency to ensure your business actually is owned, controlled, and operated by qualified persons. There are several certification agencies, so do an online search to find one that is best for your firm.

Once you receive certification, let the world know! Post a copy of your certificate on your website. Mention your certification at every opportunity and remind your clients that, in addition to offering superior service, your certification will help them meet their supplier diversity goals.

At our law firm members' request to help them identify certified NALSC search firms, NALSC added a new field to our online searchable member database called "Certified Business Enterprise." The drop-down options under this field are Women-Owned, Minority-Owned, Veteran-Owned, Disability-Owned, and LGBT-Owned. If your search firm has received official certification for any of these business categories, please inform NALSC headquarters so we can update your online NALSC profile accordingly.

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Stop Sending Blind Submission Spam!

Elyce Stuart Abraham, Esq.

A well-written blind profile provides the information your clients need to take action and can be used by recruiters as an important informational tool. But a poorly written one is merely Submission Spam.

Two of the most important goals of legal search and recruiting professionals are to help our candidates further their careers, and to maintain and expand client relationships through honest, reliable counseling and smooth, successful hiring experiences. Using blind profiles can either further those goals, or leave clients and candidates mistrusting or ignoring you.

My client recently forwarded this email he received from a recruiter, because he knew I'd find it ridiculous, but slightly amusing: "Candidate 1: 20 years of experience, Extensive experience in commercial Real Estate transactions...; Candidate 2: 10 years of experience, White Collar attorney, experienced in all aspects of white collar...; Candidate 3..." Well, you get the idea – this is one example of a Spam Submission.

But any blind profile is equally ineffectual if it: 1) is not tailored to a specific firm's actual hiring needs; 2) does not have any useful information to help a firm decide whether or not they should even respond to the recruiter; and 3) reveals nothing about the quality of a candidate's experience and credentials, or the focus of their practice.

On the other hand, good blind profiles are very useful for research and information gathering. For example, when I'm working with a candidate who has a practice I think would work well with a firm, but I am not certain if there is a real current appetite at the firm in that area, then a blind profile is a good option.

An effective blind submission provides as much of the following information as possible, avoiding distinguishing aspects which might allow identification: specific practice area; type of clients; historical range of originations and estimate of portable business; billing rate and hours billed; level of seniority and desire for title or leadership; general reason for looking; and notes on cultural fit. Your firm contact needs enough information to share with relevant partners to assess whether the candidate makes sense for the firm. However, be careful not to provide too much information in a niche practice area where everyone knows one another, as it might compromise the candidate's identity and confidentiality.

Furthermore, the pitch should be specifically targeted to an individual firm and not be Submission Spam which would be a one-size-fits-none-type of empty description. For example, specify how a candidate's practice might fit in with the firm's existing practice to help the firm envision potential synergies. This is helpful with any submission, blind profile or not.

While Submission Spam ruins the recruiter's credibility and fails to

"A well-written blind profile provides the information your clients need to take action and can be used by recruiters as an important informational tool. But a poorly written one is merely Submission Spam."

benefit a candidate by uncovering potential opportunities, an effective blind profile works for all parties involved. If there is no interest in a properly informative blind profile, then declining to reveal the candidate's identity was advantageous in that it limited a candidate's unnecessary exposure to the market and minimized the risk of disclosure and market saturation. Recruiters gain valuable information from this process as well. Ideally, the firm will respond to the blind profile not only with information about potential interest in your candidate, but also with other specific existing hiring needs, so you can begin working on those searches as well!

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