

# NALSC<sup>®</sup> NEWS

National Association of Legal Search Consultants Newsletter

Summer 2024

## PRIOR EVENT TESTIMONIALS

*This is the conference you need to be a part of if you want to get to know key players in the industry. While it's a competitive industry, you can always find someone in the crowd that's willing to share their knowledge and experience.*

*Really well done conference. Pendry and SD was a great spot. Lots of great networking and breakout sessions. Learned a lot and had a great time!*

*The conference was amazing. So well organized and so enjoyable. The location was just amazing, the hotel and staff were beyond helpful and friendly. The food was unreal. The sessions and presentations were very enjoyable and the networking was excellent.*

*NALSC opened my eyes to what the recruiting world is like, being that I started recruiting just 6 months prior! With this being such a niche field, it was fun to interact with people who deal with the same day to day issues/successes and can relate. I gained a lot of confidence about my knowledge base and it was encouraging to see what success looked like from people who have been in the industry longer!*

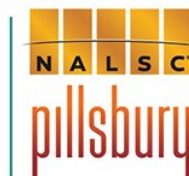
*Great to meet cohorts and law firm recruiters. Learned about what the partners like to see in the recruits. Saturday morning was highly useful, talking about the real issues we face as recruiters. Giving the recruiters a chance to bring up what was important to them.*

## Upcoming: NALSC 2024 Fall Symposium



**Friday, September 27<sup>th</sup> • 8am-7pm • Washington, DC**

→ 8am-5pm at The Mayflower Hotel (for sessions, meals)  
→ 5pm-7pm at Pillsbury (for networking reception - one block away)



\* NALSC 2024 FALL SYMPOSIUM: [Link for info \(Registration, Room Block, Agenda, Sponsors\)](#)

\* NALSC 2025 ANNUAL CONFERENCE: Feb 27-Mar 1 at the [Hotel aka Miami](#) (Details, Room Block, Registration and Sponsors will be available soon)

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Dear NALSC Members,

It is with great pleasure that I greet you for the first time in this newsletter as President of NALSC. Our organization continues to grow and thrive under the leadership of our Board, which this spring welcomed several new members as some of our valued and long-serving board members termed off at our Annual Business Meeting on March 1, 2024.

All of our committees have been hard at work for the past six months pursuing new initiatives, setting strong goals for the future of the organization, and delivering informative presentations and content for the membership. You'll read about many of their ambitious activities in this issue.

Our newest committee, the Belonging and Inclusion Committee, is off to a great start. All of our Board members (including those terming out as well as those newly installed) recently attended a training conducted by an expert in inclusive hiring practices with a background in the legal recruiting industry. This committee is open to all members of NALSC, so please contact headquarters at [info@nalsc.org](mailto:info@nalsc.org) if you would like to participate.

Our membership and sponsorship rosters are continuing to grow at an unprecedented pace, with total membership at an all-time high of nearly 300 members! We at NALSC also appreciate our growing number of corporate sponsors, as well, who provide the legal search community with such valuable goods and services. Our headquarters, helmed by our amazing Executive Director, Stephanie Ankus, and ably assisted by consultants Alice Perez and Valerie Fontaine, keep everything operating smoothly.

We continue to attract sell-out capacity crowds at our Conferences and Symposia along with robust participation in our online programs such as Recruiter Roundtables, Office Hours, and NALSC Presents. Additionally, we are expanding our outreach with our Recruiter Stories podcasts, social media presence, and brand awareness campaign all of which you can read more about in this issue. The podcasts can be accessed here: <https://www.nalsc.org/podcasts/>. Also, we're continuing to gain traction with the acceptance of the U-LPQ (Universal Lateral Partner Questionnaire) and are actively working to further that initiative.

The 2024 Annual Conference at the Pendry Hotel in San Diego on February 29-March 2 was a smashing success. As with our last several events, it was sold out with a waiting list of others wishing to attend. One attendee summed it up this way: "The conference was amazing. So well organized and so enjoyable. The location was just amazing, the hotel and staff were beyond helpful and friendly. The food was unreal. The sessions and presentations were very enjoyable and the networking was excellent."

We extend a huge thank you to all of NALSC's sponsors for supporting this wonderful Conference!

*"We continue to attract sell-out capacity crowds at our Conferences and Symposia along with robust participation in our online programs."*

We have another exciting event coming up in just a few short weeks. Registration is strong for the 2024 NALSC Fall Symposium at the historic Mayflower Hotel in Washington, DC on Friday, September 27th. Symposium sessions run from 8am to 5pm followed by a networking reception from 5-7pm one block away at the offices of Pillsbury Winthrop Shaw Pittman LLP. Once again, we're reaching capacity for the Symposium and soon will be



## President's Message

by Melissa Peters, Esq.

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taking names for a waiting list.

Here's what you can expect at the Symposium:

- "AI Strategy: Avoid, Surrender or Befriend?" - a comprehensive overview of how you can harness the power of AI to revolutionize and streamline your recruiting processes;
- "Recruiting for the Future: Unleashing the Power of Cultural IQ" - a seasoned expert in inclusive hiring practices unveils strategies that go beyond tolerance to effectively embrace and adapt to cultural differences;
- "Moving the Group" - strategies for outside recruiters and acquiring firms to help move entire teams without violating ethical rules;
- "Pros and Cons of Portal Submission of Associate Candidates" - search firm and law firm recruiters discuss the pros and cons of online portal submission of associate candidates;
- "How to Build an Effective Lateral Partner Recruiting Team (for law firm recruiting professionals)" - technological tools and tricks to boost your success;
- "Crowdsourced Tech Ideas / Tools / Tips" - the newest tech shortcuts our colleagues use to maximize their productivity and make more placements;
- "Organic LinkedIn Sourcing" - uncover the best legal talent without breaking the bank;
- "Legal Industry Thought Leaders Speak: Career Transitions" - law firm managing partners, in-house lawyers, and professionals focused on the success of historically underrepresented groups share their wisdom; and
- "Legal Hiring Market: Trends and Forecasts" - NALP Executive Director Nikia Gray discusses seismic shifts in the legal hiring market.

We're especially excited about our keynote presentation, "Balancing Mental Health and Elite Performance" with Paralympian Medalist Trevon Jenifer. Fresh from the Paris games, Paralympian medalist in wheelchair basketball and wrestling and Secret Service employee, Trevon Jenifer will discuss the balance of elite performance and mental health. In conversation with Stuart TenHoor, Esq., NALSC Board Member and recent Board Member of the National Alliance on Mental Illness (NAMI-Maryland Chapter), Trevon will draw from his own experience combined with substantive legal industry data to share how we, as legal recruiting professionals, can help not only ourselves but also our candidates and clients strive for peak performance both individually and as members of teams.

These sessions are tailored to reflect member feedback and suggestions from past events and are designed to maximize audience interaction and provide practical takeaways. As always, the Symposium program incorporates plenty of networking time to visit sponsors via exhibit booths, reconnect with old friends, meet new members, and interact with clients. As one of the attendees at last year's Symposium said, "It's always fabulous to gather with colleagues and clients. I appreciate the opportunity to learn from and exchange ideas with those at the top of our profession."

We greatly appreciate our reception host Pillsbury Winthrop Shaw Pittman LLP. We also thank all of our sponsors for making this amazing event possible. See the agenda, room block details, and registration information on our website at <https://www.nalsc.org/2024-fall-symposium/> and sign up right away, if

you haven't already.

Speaking of events, our first Regional Meetup in NYC, hosted at Kelley Drye's beautiful offices at 3 World Trade Center on May 8th, 2024, was a well-attended success. The speaker, Labor & Employment partner Mark Konkel, briefed the attendees on hot topics and trends affecting recruiting companies, including non-competes and the Equal Pay Act. His presentation was very well-received and was followed by a lively Q&A session. People loved the more intimate feel of the event, enjoying the opportunity to grab a drink and snacks, and mix and mingle with fellow NALSC members. Some traveled from as far as Pennsylvania, Ohio, and even Colorado to attend! We're hoping to have similar Regional Meetups around the country in the future. Law firm supporting members, please let us know at [in-](mailto:info@nalsc.org)

What makes an ideal legal recruiter? Why do unexpected recruiters succeed, while others seeming perfect for this role do not? These questions were posed to search firm owners during a breakout session at the 2024 Annual Conference in San Diego.

As recruiters, our function is to assist our employer clients in identifying and hiring the best lawyers for their teams. But, have we thought as long and hard about the qualities of the people we want to add to our own recruiting teams?

Working collaboratively, these personality or character traits (in no particular order) are how the search firm owners who attended that breakout session describe their ideal legal search consultant:

- Fearless
- Hunger/drive
- Doesn't overthink
- Optimistic yet realistic
- Independent
- Team player
- Tech friendly
- Competitive
- Self-possessed
- Resilient
- Analytical/does research
- People person
- Asks questions
- Intelligent
- Good memory
- Risk-taker
- Likable/Charismatic
- Coachable

And they suggested the following tests for identifying those attributes in recruiter candidates:

- Omnia
- Caliper
- Hogan
- Harver

*"Have we thought as long and hard about the qualities of the people we want to add to our own recruiting teams?"*

[fo@nalsc.org](mailto:fo@nalsc.org) if you would like to host an event in one of your offices.

Thanks to the NALSC Newsletter Committee chaired by Jennifer Gillman, assisted by former Newsletter editor Valerie Fontaine, along with the contributions of committee members Jordan Abshire, Kevin Bacon, and Natalie Thorsen for another excellent and informative issue. Past issues of the semi-annual NALSC Newsletter can be accessed through the NALSC website at <https://www.nalsc.org/newsletters/>.

I hope to see you at the Symposium on September 27th.

Best regards to all, **Melissa Peters** - President of NALSC®

## The Ideal Recruiter

by Carol Crossdale, Esq. and Victoria Gamble, Esq.



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Does that list of characteristics describe you or your star recruiters? Do you have anything else to add? Send your thoughts to [info@nalsc.org](mailto:info@nalsc.org). We'd like to hear from you for a possible follow-up article in a future issue of this newsletter.

# NALSC Membership Growth

by Mary Clare Garber

NALSC's membership numbers continue on an upward trajectory, with a growth rate of 13% since this time last year. With total membership at an all-time high of 294, we expect to surpass 300 shortly! Currently, NALSC has 231 search firm members, 62 supporting members (law firms), and 1 associate member (vendor).

This past year, NALSC gained 27 new search firm members and 7 new law firm supporting members. We're happy to extend a big welcome to:

## New Search Firm Members since the last Newsletter

- [Barnes, Pailhe & King Legal Search](#)
- [BCL Legal Ltd.](#)
- [BlackByrd Partners](#)
- [Carlyle Search Group LLC - Legal Division](#)
- [Carmelite Search Limited](#)
- [Carrington Legal Search](#)
- [Damato Search Group, LLC](#)
- [eXacta Global](#)
- [Foxstone Recruiting, LLC](#)
- [Freshwater Counsel](#)
- [Gamoran Legal Consulting](#)
- [Harrison Legal Search](#)
- [Insignis Search Limited](#)
- [JM Search](#)
- [Juris Optimus](#)
- [Khawaja Partners](#)
- [Legal Stream](#)
- [Macrae, Inc.](#)
- [Mosaic Search Partners](#)
- [Palmer Kent Associates](#)
- [Risepoint Search Partners](#)
- [Sphera Search Group](#)
- [ThinkingAhead Executive Search - Legal Recruiting Division](#)
- [Upperline Legal LLC](#)
- [Vanguard Search Partners, LLC](#)
- [Wegman Partners](#)
- [Zenith Legal](#)

To learn more about our new search firm members, follow the above links to their profiles in the [Searchable NALSC Membership Directory](#).

## New Law Firms Since the Last Newsletter

- [Boies Schiller Flexner LLP](#) - Supporting Member
- [Buchanan Ingersoll & Rooney PC](#) - Sponsor as well as Supporting Member
- [Frost Brown Todd LLP](#) - Supporting Member
- [Jones Day](#) - Sponsor as well as Supporting Member
- [Lewis Roca Rothgerber Christie LLP](#) - Sponsor as well as Supporting Member
- [Polisinelli](#) - Supporting Member
- [Stradley Ronon Stevens & Young, LLP](#) - Sponsor as well as Supporting Member

We also are pleased to welcome a new corporate sponsor: [Federate Legal Inc.- \(Recruiting Partnerships Division\)](#).

Our sponsors include (1) law firms, (2) companies (or company divisions) that provide products and/or services that have historically been utilized by legal search firms, or (3) companies (or company divisions) that provide new products and/or services that are targeted specifically for use by legal search firms. We appreciate all of our sponsors who support NALSC's events and activities. A complete list can be found at <https://www.nalsc.org/nalsc-sponsorship-profiles/>.

We look forward to meeting, exchanging ideas, collaborating, learning from, and building relationships with our new members and sponsors.

We hope to see long-standing and new members and our sponsors at the Fall Symposium in Washington, DC, on September 27th.



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Mary Clare Garber is NALSC's Vice President of Membership. Mary Clare is also Principal of Princeton Legal Search Group.

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New NALSC Board Member Stuart TenHoor chose to go to law school because his mother always said, “you like to argue.” Anyone who knows Stuart now wouldn’t think he was the argumentative type, but he admits that he likes using persuasion to “make his case.” He clarifies that he thinks persuasion is the art of helping someone figure out what really is the right answer—for them. In other words, when someone is unclear about their best career choice, he loves helping them clarify it with their job opportunities at the time.

Stuart, the youngest of four children, grew up in Grand Rapids, Michigan. His parents thought it was a great place to raise a family, and he felt safe there. They lived across the street from a large public park and Stuart sometimes spent all day there in the summers. He loved sports and competed in football, baseball, and basketball. He got some “street cred” that way because all his siblings were accomplished in sports and known throughout the community.

In fact, it was basketball that got Stuart to go straight to law school right after his college graduation. He says he might have waited a few years and worked first, but he had won an NCAA scholarship for basketball that paid for his first year of law school, but only if he went directly to graduate school. Stuart chose William & Mary Law School because, as a college history major, he thought that since it was halfway between Yorktown and Jamestown, “it must be a cool place.” Plus, always modest, he says, “it was the best law school I could get into.”

After earning his JD in 1979, Stuart worked on Capitol Hill with the U.S. Senate Labor & Human Resources Committee as a professional staff member. He loved building his rolodex and becoming a subject matter expert. He also enjoyed what he calls “the 3D chess of congressional politics.” Stuart says it all was great training for becoming a legal search consultant.

*“The best advice Stuart ever received about recruiting was: ‘you make your money on the phone, not shuffling papers.’”*

He then worked in several quasi-legal positions, and finally in a large law firm (now DLA Piper), but rarely truly loved lawyering. However, Stuart did love landing business in a consulting firm and going after client work while in practice.

In the mid-1980s Stuart received a medical diagnosis that changed his life: He had a large, benign brain tumor. It was removed two weeks later in a 12+-hour surgery. That “woke me up and I left law practice for legal search a year later,” and he never looked back.

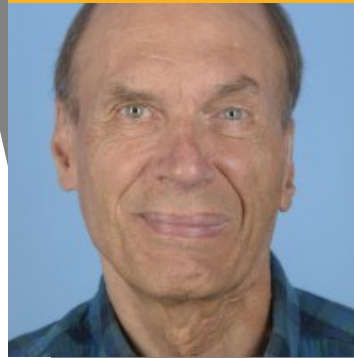
After almost a decade honing his legal search skills with larger search firms, Stuart started his own search firm. He’s well-known nationally for his specialty focus of placing FDA lawyers in law firms and corporations and with other types of employers, including the FDA itself. Stuart loves helping people clarify their goals broadly and then surveying the available opportunities. He enjoys preparing lawyers for interviews, especially when he knows the interviewers well—which he quite often does.

Stuarts says, “I love working with lawyer’s careers in part because I didn’t flourish as a lawyer in my own career. I know what doesn’t work and, therefore, what working well looks like. I’m a good leader (he was

## Board Member Profile: Stuart TenHoor, Esq.

Founder, Stuart TenHoor Legal Search

by Valerie Fontaine , Esq.



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captain of his college basketball team and president of his high school senior class), and can help guide and facilitate smart career actions.”

Stuart’s words of wisdom for dealing with the inevitable frustrations and setbacks that occur in legal recruiting: “I’ve learned, over the years, to realize that I generally do a good job. So, when bad things happen (deal gone south, for instance), I know that something good is just around the corner!”

The best advice Stuart ever received about recruiting was: “you make your money on the phone, not shuffling papers.” If he were to start his search career today, he would strive to be a better administrator of his practice because, he says, he’s missed deals because he didn’t do consistent outreach to all prospective candidates.

On the personal front, Stuart has a son and a daughter, both in their 20s, who live in the Washington, DC area. He’s active in his Unitarian Universalist congregation in Columbia, MD and has been active in NAMI (National Alliance for Mental Illness) for many years and on the Board of Directors of the Maryland chapter.

The books Stuart found most influential are “What Color is Your Parachute” by Richard Bolles and “Get SH\*T Done” by Jeffrey Gitomer, both for obvious reasons, and “Siddhartha” which, Stuart says, gives “such an insightful/meaningful unfolding of finding the guiding principles of life.” He’s not always serious, however, and his favorite TV shows, movies, and music are “Ted Lasso,” “Silver Linings Playbook” and he recently saw the Rolling Stones in concert and still loves their music.

You can’t argue with that.

### ABOUT THE AUTHOR:

Valerie Fontaine, Esq. is a past Officer and Board Member of NALSC. She is a consultant assisting NALSC Headquarters as well. Valerie is a Principal of SeltzerFontaine LLC.

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# Changes/Clarifications to the NALSC Code of Ethics®

by Dan Binstock, Esq.

Over the past year, the Board approved several changes/clarifications to the Code of Ethics, which we wanted to make sure everybody sees. As a reminder, the full [Code of Ethics](#) is on the NALSC website. I'll break out the changes into two parts, as they address different issues.

## Clarifying the Requirement of Representing Accurate Information, Especially During Outreach

As we are all aware, there unfortunately are some bad-acting recruiters (not members of NALSC) using misleading pretenses to "hook" candidates. For example, the "X firm asked me to specifically call you" when the firms didn't ask the recruiter to call, or may not even have a relationship with the recruiter at all. This is just one example.

While this is not an issue among NALSC recruiters, we want to make it clear to the marketplace that NALSC recruiters don't (and can't) play those games as it's explicitly against the Code of Ethics and subject to consequences. We hope that the below will provide an extra level of comfort to those working with NALSC recruiters.

Here are the changes that were approved (**bolded** language was added):

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### Article 2 (Relations with Candidates), Section 1:

Information provided to **potential candidates during outreach** or candidates **during the recruiting process** shall be the most accurate information known to the search firm.

### Article 4 (General), Section 1:

No member shall **knowingly** make **any** false or deceptive **claims** representations in any **outreach or recruiting, or in** any advertising, promotion, or public relations materials.

\*\*\*

These modifications were added to make it clear that accurate information applies during **outreach** as well as during the recruiting process itself (previously, "candidates" in Article 2 could have been interpreted to mean that accurate information only applied to attorneys with whom the recruiter was engaged in a recruiting relationship).

*"We want to make it clear to the marketplace that NALSC recruiters don't (and can't) play those games as it's explicitly against the Code of Ethics and subject to consequences."*

It also makes clear that false or deceptive representations also apply to the outreach and recruiting process, not just advertising, promotion, or public relations.

## Clarifying that the Placement Agreements Between Search Firms and Employers Always Control Over the Code of Ethics.

These changes are self-explanatory:

\*\*\*

### Article 1 (Relations with Employers), Section 5:

No search firm shall solicit any attorney from the office of an employer in which it has made a placement for a six-month period following that placement, unless **otherwise agreed to by** the search firm **and** the employer.

### Article 4 (General), Section 6:

**No provisions in this code supersede or replace (1) agreements between search firms and employers, and/or (2) the requirements of local, state, and/or federal laws.** This Code neither supersedes nor replaces the requirements of local, state, or federal laws.

\*\*\*

Lastly, aside from the above modifications, this is a quick reminder that our Code of Ethics has a provision that says: "Members are strongly encouraged to bring to the attention of the Association any violation of this Code."

If you see something, say something.

Anyone (not just NALSC members) can file a complaint against a NALSC member search firm for potentially violating the Code of Ethics. Here's a [link to the complaint form](#).

As stated by our bylaws, "All Complaints, and all proceedings related thereto, shall be treated as confidential to the fullest extent practicable."

If you have any questions, please contact any member of the Ethics Committee (myself, Ethel Badawi, Melissa Peters, or Mitch Satalof).

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*"I'm following up today to check on your status and will let you know what the firm says," I said to my candidate.*

*"I was going to let you know, I got an email from them this morning to schedule an interview," he replied.*

*"That's surprising! Firms usually reach out to me to arrange interviews – I'll check into it."*

I had submitted an associate candidate to an AmLaw 100 law firm through its search firm portal for a recently posted position, listing myself as the point of contact. Instead of receiving a response from the firm confirming my submission, requesting further information, or setting up an initial interview, the firm contacted my candidate directly. What ensued was a time-consuming email correspondence with the law firm recruiter, which tested my resolve and certainly reminded me of some important foundational skills in business and recruiting.

When I learned of the firm's direct outreach to my candidate, I thought a simple, respectful email requesting that I be kept in the loop would get us back on track. But instead, the firm sent a formal reply letting me know that they considered this candidate a *self-apply* submission.

I had checked all the "boxes" with my submission; therefore, I was confused by this response. While frustrated, I told myself to keep cool, the firm must be mistaken, and a quick summary email from me laying out the timeline and relevant facts would straighten this out. I kept it simple but included all the relevant information, letting the recruiter know that I had notified the candidate of the role, that the candidate had provided authorization, had no prior communication with the firm, and that Mestel had a fee agreement in place. Finally, I made sure to confirm that I submitted the candidate via their search firm portal according to their process.

Did that do the trick? *No.*

I then received pushback in a continued back and forth:  
Did you have authorization? *Yes.*  
You didn't submit via the portal? *Yes, I did.*

This was starting to feel *personal*. Nothing I said seemed to make a difference, and it felt like the firm was looking for ways not to accept my submission. I tried to call the recruiter but had no luck reaching her.

Do I give up the submission and a potential fee? *Not quite.*

In a last-ditch effort to figure out the disconnect, I went back to the firm's Careers page, and hit the "Search Firm Submission Portal" button. I took a close look at the search bar and saw that it directed me to the "Self Apply" page instead of the search firm portal. *Progress!*

Under normal circumstances, I would have picked up the phone again and notified them of this technology glitch, but given my experience thus far, I politely emailed a video illustrating the bug. Surely, everything would be resolved by the next morning. The next day, there was an email waiting for me.

When I opened it, I read that their fee agreement had been updated, our agreement was therefore out of date, and they could not honor our submission. *Another road block?*

I decided to try a different approach. I began my response by pointing out that Mestel has a long-term relationship with their firm and then reiterated my previous points about permission and the bug in their portal. A short time later, I received another email. *"We would like to update the fee agreement in order to honor the submission."* Finally,

## Well THAT Was a Surprise!

### Keep Cool and Carry On

by Randy Steinberg

some long-awaited good news! We executed their agreement, so after countless hurdles and emails, they honored Mestel's submission.

#### Lessons Learned

##### Follow Instructions

The first, and most basic takeaway is to carefully review each firm's instructions prior to submission, follow the prompts, and document your process. In this situation, I had followed all the rules and could provide proof of my steps. If I had not, I would have easily lost a potential commission for a simple missed step.

##### Maintain Your Resilience and Keep Your Cool

If a disagreement arises and you can show that you're correct, stay resilient! Don't waste your resilience by letting your emotions get the best of you. Recruiting demands optimal business and social skills. This includes learning to keep your cool in frustrating situations and honing your communications acumen (email, phone, in person, etc.). We don't always get the answers we hope for, but we can always control how we act and react. The back and forth with this recruiter tested my resolve and patience. But maintaining professionalism and diplomatically standing my ground by concisely laying out the relevant facts was critical to achieving a successful result in this situation.

*"Recruiting demands optimal business and social skills. This includes learning to keep your cool in frustrating situations and honing your communications acumen."*

##### Don't Take It Personally

When we are invested in our work, certain business interactions can feel like a personal test. It's easier to achieve successful results if you remind yourself not to over-personalize. Challenge yourself to recognize that there may be multiple explanations for a person's actions and reactions, and to approach solutions in a collaborative way. Here, even though this felt like the recruiter just did not want to take my submission, there was a technology glitch on her end causing a big gap between us. Most of the time, we won't know the full story about what our business counterparts are going through. Always assume the best, have patience, and plan for the hurdles!

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⇒ **Now, it's your turn to surprise us!** Send [info@NALSC.org](mailto:info@NALSC.org) the most surprising thing you've encountered in your recruiting career. We'll select one and a member of the newsletter committee will work with you to craft an article for the next newsletter. We might learn something unexpected!

Our Strategic Planning Committee met in April to discuss how to best serve our members and ultimately decided to create the Member Benefits Survey that you recently completed. Thank you to all who responded. Your input will inform our planning and will enable NALSC to continue to deliver the content and member benefits that you value most.

We also created a calendar for NALSC virtual events over the next 12 months. The past and future schedule is as follows:

- May 1st (Wed.) - Office Hours: Small Search Firm Collaboration (Hosted by Kristy Shulman & Mitch Satalof)
- June 6th (Th.) - Recruiting Roundtable: In-house Recruiting (Hosted Mary Clare Garber & Amy McCormack)
- July 18th (Th.) - NALSC Presents: The Latest on Labor and Employment for Legal Recruiters with Mark Neuberger (Hosted by Ethel Badawi)
- August 22nd (Th.) - Office Hours: War Stories: Laugh, Cry, & Celebrate. Attendees can share their best recruiting stories: placing the unplaceable candidate; placements that fell in their lap; that day when all the deals fell apart at the same time; placement that really made a difference in a candidate's life, etc.
- September - No virtual. Fall Symposium on the 27th
- October 24th (Th.) - Recruiting Roundtable: Partners
- November 21st (Th.) - NALSC Presents: Mental Health for Recruiters and Candidates with Joe Ankus
- December - No virtual
- January 16th (Th.) - Office Hours: "Secrets" to Success: Tactics, Tools, & Tech Gadgets. Attendees can share one idea that has made a difference in their recruiting practice (organizational tip; a close; an icebreaker; a CRM; a mindset; an app).
- February - No virtual. Annual Conference Feb. 27-March 1.
- March 27th (Th.) - Recruiting Roundtable: Associates
- April 24th (Th.) - NALSC Presents: DEI / Belonging & Inclusion (topic/ speaker TBD)

At our next Committee meeting in September, we will discuss the results of the Member Survey. We plan to do a deep dive into revenue sources for NALSC and the optimal size, venue, and location of fall symposia.

## Do Distributed Law Firms Make Sense Post-Pandemic? The Answer is Emphatically YES!

by Ed Wisneski, Esq.

After a 20-year career as an associate and partner in an AmLaw 50 firm and seven years as a partner recruiter, I joined Rimon PC as its Hiring Partner. The opportunity arrived by happenstance – I had submitted a litigation candidate to the firm, and CEO and Founding Partner Michael Moradzedeh had been looking for someone to fill my current role who had been a partner and also understood partner recruiting.

It was March of '21, right in the middle of the COVID-19 pandemic. Leaders of many traditional firms who had been adamantly opposed to having their lawyers and staff work remotely had spent the past year scrambling to do exactly that. Rimon was founded in 2008 as a cloud-based, mostly "virtual" firm, and as such, was one of a few firms that were in a unique position to continue operations practically unchanged. As BigLaw partners discovered the many benefits of remote work, including eliminating unnecessary commutes with little or no drop off in productivity (in fact, 2020 ended up being the best year that many law firms ever had –

## Greetings from Long-Range Planning!

by Jordan Abshire, Esq.



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Please feel free to reach out to myself &/or any Committee members with thoughts, questions, or ideas over email or in-person at NALSC virtual or live events. Committee members include Esther Alpert, Kevin Bacon, Ethel Badawi, Mary Clare Garber, Jennifer Gillman, Connie Rinaldi, Mitch Satalof, Stuart Tenhoor, and Ross Weil.

followed by an even better year in 2021), distributed firms like Rimon saw a significant increase in headcount.

Recently, I was asked whether distributed firms still present an attractive option in a post-pandemic world now that a majority of law firms have transitioned from fully remote back towards the office, most settling on a hybrid approach (in a recent survey, more than half of respondents reported that their firm had established a policy that requires lawyers to come in at least three days per week), and others such as Husch Blackwell and Fennemore Craig having created programs to hire lawyers in locations where they do not have offices.

The answer is emphatically "yes," and the reason has almost nothing to do with the ongoing tug-of-war between remote and in-office work. Rather, distributed law firms continue to thrive for the same reasons that they were created in the first place: (1) they allow partners to retain far more autonomy over their practices with far less bureaucracy; (2) they allow partners to keep a much higher percentage of their originations through a formulaic approach to compensation; (3) they alleviate the problem of ever-escalating rate pressure, allowing partners the freedom to set their own rates or enter into alternative fee arrangements; and (4) they provide all of the above while still serving as full-service firms for their clients. And the proof is in the pudding: Rimon has added more than 70 lawyers in the past 18 months, most of whom came from BigLaw.

*Continued on page 9*



### More Autonomy, Less Bureaucracy



As law firms have grown to include hundreds or even thousands of attorneys, bureaucracy has followed along. In addition to being subject to billable hour quotas, partners — who are intimately familiar with their own practices, clients, industries, and opportunities — are disempowered from making the major decisions that affect the growth of their business.

Indeed, partners who have decades of experience servicing their clients and creating value for their firms are not entrusted to make fundamental decisions that affect their practices and their lives, including hiring lateral partners or associates, deciding with which clients to work, and even deciding where to physically work. Instead, these decisions are often made by distant committees or executives who may have no true insight into a given partner's practice and clients.

In distributed law firms like Rimon, rather than the attorneys seemingly existing to serve the firm, the firm exists to serve the attorneys, who in turn are empowered to practice law the way they think is best for their clients and themselves, with as little interference from firm management as possible. The firm provides its attorneys all the tools they need to best serve their clients, including helping attorneys collaborate with each other and with clients, giving them administrative and technical support, and helping them with business development and marketing services.

While partners pay a percentage of the fees they collect for these shared services, they also get to make their own determination as to whether to spend on services needed to benefit their own individual practices, such as associates, paralegals, specialized software, or personal business development costs. This system is inherently fairer than in a traditional firm. For example, in a traditional firm, individual partners pay a portion of the salaries of *all* of the firm's associates, no matter how much or how little the partner utilizes associate time. Conversely, in a distributed firm, a partner who utilizes one full-time associate pays only for that associate and turns them into a profit center for themselves.

Finally, because most distributed law firms are primarily cloud-based (although some like Rimon have physical offices in several strategic locations), attorneys choose where they want to work.

### Rate Pressure, Rate Pressure, Rate Pressure

In the never-ending quest to increase profits per equity partner, BigLaw billing rates have been soaring. Hourly rates have climbed at record levels in recent years, with the most recent data showing they rose by about 9% in the first quarter of 2024. This may be fine for the largest clients who have “bet the business” litigation or multi-billion dollar mergers, where a \$1,500+/hour partner is a mere line item on a balance

sheet.

But for many BigLaw partners, the annual phone call to longstanding clients to announce yet another significant rate increase has become untenable. One of Rimon's recent candidates is a partner in a midwestern city office (not Chicago) of one of the largest law firms in the world. He told me that he has been practicing corporate law for over 30 years, representing many of the same clients for over 20, and his mandated billing rate for 2024 exceeds \$1,400. “My clients, many of whom are my friends, have told me they can no longer afford to use me,” he said, “I have to make a change.”



Distributed law firms like Rimon allow partners to set their own rates so that they can remain profitable without alienating clients — or losing them altogether. Because distributed firms have formulaic compensation models that allow them to take home 70% or more of what they bill and collect, lowering one's billing rate does not mean lower compensation. Indeed, in most cases, a partner like the midwestern MP can significantly lower his rates and make more money than he does at his current firm.

Distributed firms also allow partners to enter into alternative fee arrangements with their clients. Flat fee and monthly retainer arrangements are commonplace and often benefit clients who want some predictability in the amount of their legal spend. They can also be very lucrative for partners and firms alike.

### It's Formulaic



Attorneys are like everyone else: They want to maximize their earning potential, and they want certainty in their compensation. It can be extremely disheartening at year end when a BigLaw partner receives word from her firm's compen-

sation committee that, despite a strong year of origination and collections, her raise is less than expected because the firm itself narrowly missed target growth numbers, or because of some other reason out of the partner's control. Indeed, there are many BigLaw partners who feel as though their significant books of business are almost irrelevant to the leaders of their very large firms. Winners and losers often appear to be chosen, not based on skill or merit, but on political decisions made by executive/management committees.

In distributed firms, compensation is formulaic, rather than a black box calculation, which typically measures factors including seniority, expectations, and perceived benefit to the firm. Partners keep a significantly larger percentage of the fees they collect, which is aligned with modern

companies who recognize the value of business development, and also are compensated transparently on the hours they work on other partners' originated matters. This transparent formula almost always leads to individual partner compensation far in excess of what traditional firms pay.

#### Goldilocks



In essence, distributed firms like Rimon are like Goldilocks' porridge: They provide attorneys with the tools necessary to represent sophisticated clients on complex matters across multiple disciplines without BigLaw's obvious drawbacks, while also providing the flexibility, work-life balance and career autonomy historically reserved only for solo practices or small shops. As such, the model continues to capture the essence of what the legal profession aims to achieve—excellence in

service and justice, while also aligning with the evolving professional landscape. Over time, distributed firms will be referred to less and less as "virtual," "remote," "distributed," or "hybrid," and be recognized more and more for what they simply are: Modern law firms that are true competitors to BigLaw.

*"Rather than the attorneys seemingly existing to serve the firm, the firm exists to serve the attorneys."*

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## Social Media/ Website Committee Report

by Stuart TenHoor, Esq.

The Website/ Social Media Committee has been hard at work over the past six months raising the profile of NALSC not only within our membership but also in the legal community at large. The committee members are Jordan Abshire, Kevin Bacon, Natalie Thorsen Harris, and Chair Stuart TenHoor.

#### Click

There's a continued focus on outreach via social media which has increased our visibility on LinkedIn with 10x the post views over 2023. That's a great start, but we need your help to boost results. Please be sure to **CONNECT** with and **FOLLOW** NALSC and our Executive Director, Stephanie Ankus, on LinkedIn. Also, please **LIKE**, **COMMENT** on, and **SHARE** our frequent informative LinkedIn posts about various industry topics. You can be a force multiplier with just a few clicks. (BONUS: Those quick and easy clicks increase your own social media visibility at the same time, as well.) This is a win/win for everyone!

#### Listen

Don't miss a single episode of "Recruiter Stories," the official podcast of NALSC established in 2022. Since our late February 2024 annual conference, we recorded three new episodes hosted by NALSC Vice President of Long Range Planning, Jordan Abshire, replacing our previous host extraordinaire Scott Love, who did such an excellent job creating this podcast series—thank you, Scott!

The new episodes include profiles of new Board Members Stuart TenHoor, Kevin Bacon, and Esther Alpert, along with interviews with Toyota Motors Managing Counsel Mey Ly Ortiz and ethics partner Hillary Gerzhoy, both of whom will be featured speakers at our upcoming September 27 Symposium. In the coming weeks, another podcast should be available. This one features a conversation with NALP President Nikia Gray, our closing speaker at the Symposium, about legal hiring trends and forecasts.

Future episodes of Recruiter Stories will introduce more speakers from our Symposia and Conferences, including our Fall Symposium keynoter, Paralympian Trevon Jenifer, fresh from the Paris games—and provide teasers with valuable information they will discuss in their in-person presentations. More episodes are due out shortly, so stay tuned!! [You can listen now.](#)

If you have any suggestions of subject matter experts on topics of interest to our membership, please send them to [info@nalsc.org](mailto:info@nalsc.org).

#### Refresh

We're exploring a website refresh. To that end, our members recently completed a survey to gather information on how our website currently meets their expectations and how it can be improved. The website includes many tools and resources available to both our members and other website visitors. We hope you're already making the most of them, including our job board; ShareServ; schedule of upcoming virtual presentations; useful tips on recruiting; past newsletters with index; searchable member directory; the Universal Lateral Partner Questionnaire (U-LPQ); and much more. We're open to any further ideas and suggestions to make our website both valuable and user-friendly. Please send your comments to [info@nalsc.org](mailto:info@nalsc.org).

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## Brag

We also encourage our membership to add the NALSC logo (which you can get from headquarters) to your website and email signature, with a line that reads: “(This search firm) is a proud member of NALSC and is accountable to the NALSC Code of Ethics®.”

Working together, the Committee and NALSC members can raise the profile of not only our organization and the legal recruiting profession, but that of our own search firms, as well.



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# Cybersecurity and Data Privacy – What Recruiters Need to Know\*

by Diana Iketani Iorlano, Esq.

From personal information about candidates to confidential information about firms, recruiters often possess the most intimate details.

But what are recruiters' legal obligations to safeguard the information they receive in the course of their duties? How do you navigate the many privacy and confidentiality laws, especially when you operate in multiple jurisdictions or internationally? Can you safely share the information with others? Do you have obligations to delete the information? Should you be worried about data breaches?

At the recent NALSC Conference in San Diego, we touched on many of these topics in a well-attended breakout session. We recommended the steps below that recruiters, recruiting firms, and in-house recruiters can take to comply with applicable laws and be good stewards of personal and confidential information from candidates and firms.

## Recruiters Should Implement Clear and Conspicuous Privacy Policies

All recruiting businesses should create and implement a Privacy Policy that states how the company collects/uses/shares personal information and provides a way for candidates/firms to assert their privacy rights. This may be required by law under the European Union's General Data Protection Regulation (GDPR), the California Consumer Privacy Act (CCPA), or similar statutes. Your website privacy policy should plainly state what information you collect, the third parties with whom you may share the information, the retention period of the personal information, and any applicable methods for an individual to request deletion or modification of their personal information. This can show potential clients that you respect their privacy and are aware of the applicable laws relating to personal information. The Privacy Policy should also apply to information you may be collecting from website visitors – including disclosures about cookies and analytics that may be running on your website. With new privacy laws coming online nearly every month, privacy policies and practices should be reviewed at least annually to ensure they reflect how the company is handling personal information.

## Data Mapping – Taking Stock of What Information You Have

Consider what personal and confidential information you or your firm may collect. Recruiters have access to detailed personal information, such as the candidate's name, address, email/phone contacts, educational information, prior workplace information, family information

(e.g., dependents, including minors), and client lists, as well as categories of sensitive personal information that may require additional protection: gender, race, sexual orientation, SSN, health conditions, disability status, veteran/military status, financials, and background check information including criminal or credit information. Similarly, recruiters may have confidential information from a firm or organization, including the firm's financial performance, profits per partner, partner/C-suite contact information, client lists, acquisition or merger information, market analyses, and other non-public information.

It's essential to implement a comprehensive data map to understand what types of information your organization collects. The data map should list the sources of information, the fields of information collected, the storage mechanism for the data (are you using third-party software, an Excel spreadsheet or handwritten notes?), any downstream recipients of the information (consultants, software, vendors), and retention periods for the information. With nearly unlimited digital storage, we can keep data forever, but we shouldn't.

## Cybersecurity and Privacy Training are Essential

Similarly, access to personal information should be limited to those who need it and those who have access to personal information should be trained in how to protect it. Can you limit access to personal information to only those who need it? When nearly 88% of data breach incidents come as a result of employee mistakes, it makes sense to minimize how long data is kept and who has access to it. In addition, vendors or service providers that have access to candidate personal data should be engaged with written agreements that include confidentiality provisions and require adherence to privacy laws.

*“In general, the more public the information is, the less protection it gets.”*

The source of the information may also matter. Are you receiving information from publicly available sources or are you getting the inside scoop from a confidential source or the candidates themselves? Are



you collecting this personal information through phone calls, emails, webforms on your website, third-party sites like LinkedIn and Indeed, or from other third parties, such as other candidates or other recruiters?

In general, the more public the information is, the less protection it gets, but gone are the days when you could assume that a candidate's business information wasn't protected. In some jurisdictions, business information is treated the same as personal information, so a business email address might be entitled to the same protection as the candidate's personal email address. If you are collecting information through webforms, are they secure? Do you have multifactor authentication on your accounts? Where do you store personal information (on the cloud? on your laptop?) and is it password protected?

Privacy laws require you to implement reasonable technical and security measures to protect information in your possession. Talk to your IT team or invest in a consultant to review the cybersecurity measures in place to protect personal information. Do you have cyberinsurance that will protect you in the event of a data breach or ransomware event? What does it cover? Do you have a business continuity and incident response plan in the event of a security incident? Who will you call if information in your possession is breached?

#### Implement Principles of Data Minimization

Given the high risk of exposing candidate personal information or firm confidential information or the PR nightmare of a data breach, recruiters should implement a data retention policy to minimize the length of time personal information is kept after candidate consideration or placement and/or encrypt data that is especially sensitive.

Think of how you would want your personal information to be protected if you were a candidate or the firm that provided its financials to you. Would you want to inform a prospective candidate from 15 years ago that you held their information indefinitely and it was breached? Data breach notification laws may require just that.

#### Conclusion

Data privacy is here to stay, and compliance is essential for companies that handle personal information. Regardless of where your privacy program currently stands, you will be expected to know and comply with applicable privacy and security laws. It's essential to get it right the first time – you might not have another chance!

*\*The information in this article is for general educational purposes only and should not be construed as legal advice.*

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## Belonging + Inclusion Committee

by Arthur Polott, Esq.

The Belonging and Inclusion (B+I) Committee is NALSC's newest committee. It is a Committee of the Corporation rather than a standing committee, which means that it is open to the participation of any member of NALSC, not just Board Members. Currently, the committee consists of Esther Alpert, Ethel Badawi, Natalie Thorsen Harris, Patrick Moya, Melissa Peters, Kathy Richardson, Connie Rinaldi, Bahareh Samanian, and Stuart Tenhoor, with me as Chair. I want to thank everyone who gave their time and energy to this important inaugural effort, I am proud of the work we did - thank you!

The purpose of the committee is to educate and increase the belonging and inclusion of people from a wide variety of backgrounds within NALSC, our member organizations, and the legal community as a whole. Committee members include past and current Board Members and Officers as well as our regular members. They come from large and small search firms across the country and bring a broad range of lived experiences. We are pleased that the committee composition reflects our membership and grateful for the vibrant discussions we enjoyed in our many formative meetings.

For the past six months, the B + I Committee has met regularly to draft a Statement of Purpose, a Mission Statement, and a Values Statement to define NALSC's principles and guide the organization when making important internal decisions. These will be presented to the NALSC

Board for consideration at the September Board meeting.

The Committee is setting goals and discussing initiatives to promote these values via action. For example, earlier this year, the Committee selected Jami de Lou, a top Culture & Inclusion Strategist, to train both incoming and outgoing Board Members to better serve our membership and the community at large. Jami presented to the group in addition to conducting individual coaching sessions with the participants. This collaboration demonstrates NALSC's commitment to creating a vibrant community where the needs, perspectives, and contributions of all legal search consultants are valued and integrated into our association.

*"The purpose of the committee is to educate and increase the belonging and inclusion of people from a wide variety of backgrounds within NALSC, our member organizations, and the legal community as a whole."*



We also are bringing Jami's wisdom and expertise to NALSC's 2024 Fall Symposium on September 27th in Washington, D.C. In her session, "Recruiting for the Future: Unleashing the Power of Cultural IQ," Jami will show us how Cultural Intelligence (CQ) is the key to inclusive legal recruiting. She will give us strategies that go beyond tolerance to effectively embrace and adapt to cultural differences. We will learn how these insights can impact our approach, ultimately making more and better placements for the benefit of the legal profession as a whole while also increasing inclusion and belonging for candidates.

There is more work to be done. If you would like to join us on the NALSC Belonging + Inclusion Committee, please contact me at [arthur@gatewaylegal.com](mailto:arthur@gatewaylegal.com) or NALSC headquarters at [info@nalsc.org](mailto:info@nalsc.org).

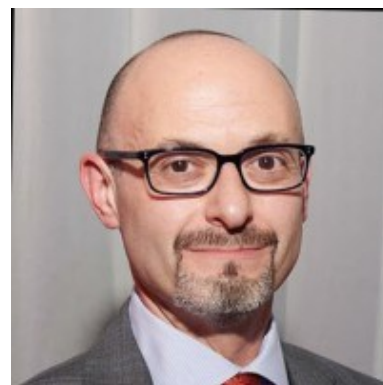
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## The Top 5 Questions Law Firms May NOT Ask During the Lateral Process

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

The legal recruitment process is fraught with potential pitfalls from a legal and ethical perspective. What does a candidate say when the law firm asks the candidate to provide their past three years of performance reviews? Or the candidate's most recent self-evaluation? Can a law firm ask a candidate or the candidate's recruiter about competing offers received?

This article addresses some of the most frequently asked questions and details why these questions raise legal and ethical concerns. Ultimately, local, state, and federal laws and regulations must be addressed when analyzing if these questions should be answered and if they are answered, how best to do so. As such, consulting legal counsel is recommended.

### 1. Current and Historical Salary Information

The majority of states have adopted laws that prohibit employers from requesting salary history information from candidates. For example, California, Illinois, and New York have adopted laws prohibiting employers from asking candidates about their salary history information. Some cities have done the same. Certain states, such as Michigan, allow employers to ask about salary history, but only after a conditional job offer is made to the candidate. A few states prohibit employers from relying on a candidate's salary information in setting compensation if it is discovered or volunteered. Other states have remained silent on the issue.

Given the nuances in each jurisdiction and the quickly changing landscape on this topic, it is critical that law firms, recruiters, and candidates stay up-to-date on the laws of the states where the candidate resides and where the firm is located to ensure the relevant laws are followed and the candidate's rights remain protected. This is likely one of the most difficult questions to navigate, as the reality of the lateral process is that the refusal to disclose at least a salary range may preclude the process from moving forward. Accordingly, a lateral should consult with counsel to determine how best to deal with this question in order to move the process forward.

### 2. Disclosing Other Firm Offers

Another topic that may arise during the lateral process is what other offers the candidate may have received. Offers that law firms provide candidates and/or recruiters are, in most cases, confidential. Firms may send offer letters that explicitly state the offer is to remain confidential or may otherwise express to the candidate that the offer is to remain confidential. Regardless, firms keep offers confidential from the public, competitive law firms, and other attorneys and personnel at the firm. This information is, thus, confidential to both the law firm and to the candidate. Other firms do not have a right to it.

### 3. Copies of Candidates' Performance Reviews and Evaluations

Not only is the usefulness of a candidate's prior law firm performance reviews questionable, but requesting a candidate's performance review implicates important concerns that firms, recruiters, and candidates must be mindful of.

First, the content of attorney performance reviews likely contains confidential and privileged information. For example, the review could include confidential client-specific information related to a transaction or ongoing litigation, attorney-client information, attorney work product, and proprietary firm strategic plans. For these reasons, many law firms have policies in place requiring that performance reviews be treated as confidential and should not be shared outside of the firm or even within the firm.

Another related consideration is the privacy interest of the candidate and the reviewers at the law firm who likely draft their reviews with the expectation that the reviews will remain private. The same considerations apply to a candidate's self-evaluations.

Second, the performance reviews are the current firm's confidential information; prospective employers should not be asking for the current firm's confidential information in connection with the lateral process. Simply put, the content of attorney performance reviews and evalua-

*"Ultimately, local state and federal laws and regulations must be addressed when analyzing if these questions should be answered."*

tions are confidential, may be privileged depending upon their content, and should not be shared outside the candidate's current firm.

#### 4. Marital Status, Family Planning, and Residence

Firms, candidates, and recruiters must be aware that certain personal questions about a candidate and their plans are not permissible. For example, law firms should not be asking about: (1) whether the candidate is married, divorced, engaged, or widowed, etc.; (2) a candidate's pregnancy, expected pregnancy, or if the candidate has children; (3) a candidate's plans to start or grow their family; (4) childcare arrangements; (5) information about the candidate's spouse and their spouse's background; (6) with whom the candidate resides and if the candidate has any dependents; and (7) whether the candidate rents or owns their home. This is not an exhaustive list, but provides a general framework of the common topics that could lead to hiring biases and potential discrimination. They should be avoided during the interview process.

#### 5. Questions about Race, Religion, Ethnicity, and Physical Health

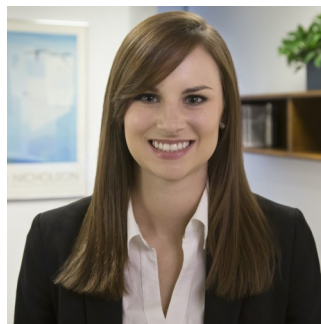
As most people know, employers are prohibited under state and federal law from asking candidates questions about certain personal characteristics, including, but not limited to, the candidate's race, color, religion, sex, gender identity, national origin, sexual orientation, and age. While firms can generally ask whether certain reasonable accommodations may be required to perform job-related functions, employers cannot ask candi-

dates whether they have a disability.

Overall, awareness of these issues allows law firms, candidates, and recruiters to approach the recruitment process with more certainty and caution when necessary. Consulting counsel when there is uncertainty is recommended.

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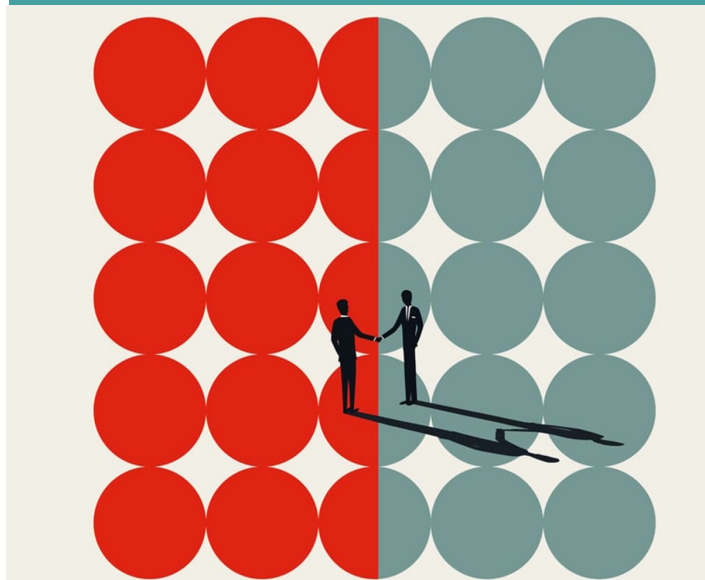
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## COMMENTARY: Law Firm Mergers: How to Match, How to Date and When to Leave (Your Recruiter)

by Kimberly Stockinger

*"This is an important PSA: Recruiters should not introduce two firms and then create the road on which you connect," Kimberly Stockinger writes.*

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(Credit: ozeftmicio/Adobe Stock)

Law firm mergers are widely considered throughout the Am Law 200 and beyond. Many law firms have the same growth goals, and when it comes to expanding a firm in the top metros, it is highly competitive. It is difficult to stand out and be original. Everyone is in line for the top talent; growing organically does not happen overnight, and it takes a strong brand and culture to pull off.

With so many firms seeking the same talent in the same top metros, over the years I pivoted from taking these parallel and highly competitive orders, to giving solutions on how to fill these needs with an acquisition—and have made dozens of high-level firm merger introductions instead.

#### How to Determine Merger Goals?

Most firms are aware of the opportunities they have painfully outsourced. Cases they could have had if only they had this group, or if they were in that metro. Firm executives and partners can easily fill a "pros and cons" lists to determine the final merger goals. Numerous ideas will be professionally analyzed to reveal the highest value opportunities, and then a firm and their executives will determine their top priorities.

Various law firms maintain a national platform to service their national clients, while others dominate their regions and stay compatible to the regional client's needs. These needs can change at a firm at any time.

There are firms that may never consider a merger at any point. The firms dominating the major markets can usually keep their plates full and partners happy—so why expand? Firms like Pryor Cashman, for example, believe they are the right size of firm, while keeping conflicts low and morale high. With the per-lawyer profitability and revenue numbers of a Big Law firm, it is rare to see a departure from Pryor Cashman. Applicants are in line around the block.

In a 2022 interview, Pryor managing partner Ronald Shechtman ex-

plained why the firm is not looking to expand via a merger: “The risk of growth for growth’s sake is in my judgment substantial.” Shechtman said, “when firms approach the headcount threshold that bridges the mid-market sector to that of Big Law, they have to adopt the infrastructure and overhead of Big Law.” Shechtman also pointed out, “It’s one thing to merge into an Am Law 100 firm. It’s another thing to merge into a firm and still be in the Am Law 200 when you’re expected to act like an Am Law 100 firm.”

As I later told Ron, it is easy for him to say this ... after all they are Pryor Cashman. They have top clients and Big Law access as a midsize firm and Big Law infrastructure with offices strategically located in three of the major gateways in the country. Those are ingredients not everyone has.

Middle markets are happy with lower overhead and can offer a substantial cost benefit to their national clients; other national clients are only in major markets themselves and only need or want that service.

Not all firms consider mergers, but many firms need to get creative in order to compete and retain clients. In finding a possible match, these firms seek compatibility in a variety of ways. As firms look at strategic ideas to fill in these gaps, these are just some of the things that have to be predetermined before an introduction. Firms need to have a good idea who they are and who they want to be before putting themselves out there. But these things can change as they move through the process.

### **Where Does a Firm Go to Meet Another Firm?**

A law firm merger or acquisition is usually a mutually beneficial situation, or it doesn’t happen. Sometimes firms just want to explore what it would look like, to discover it is not for them.

When a recruiter is involved, it is like shopping at a mall, and each shop has its own proprietary inventory. At the law firm merger level, there is rarely overlap, because on the merger scale, law firms are not typically announcing these plans, and most firms only work with one or a couple of recruiters at a time. There are many professional reasons for that, including: It is easier to manage the introductions and contract obligations, to avoid confusion and to avoid ruining relations while juggling too many prospects.

Law firms’ executives spend many hours and thousands of dollars to engage each recruiter and negotiate terms. Partners expect their executives are representing them in the most professional way. These contracts are put in place like any M&A deal, protecting each side’s confidential identities, sensitive information and intel and to determine the recruiting fee. Firms then spend hours with the recruiter researching ideas before a match is even suggested.

To set up first dates through a recruiter takes many hours of law firm executive time and sometimes months of negotiating and planning. It is worth it because the recruiter has proprietary information entrusted to them alone, in order to make these high-level matches. Before the first introduction is even made, the recruiter pairs financials, assets, cultures, practice areas, clients’ needs and geographic desires.

### **How to Get Ready for the Introduction**

Once a prospect becomes a viable candidate, there is much preparation for that first executive call, including surface-level conflict checks and a deep dive into the firm’s available information and history, looking for compatibility and possible conflicts.

People do not typically ask someone on the first date how much money they have in the bank or what their annual income is. For law firms, the pre-date financial matching can be tricky, because some firms publish their numbers, and others do not. I have had managing partners tell me it is less about the numbers and more about what is compatible as a whole. Everyone has their own pros-and-cons list.

When a recruiter makes the merger introduction, we get enough information to make an initial match, to ensure there is compatibility even before a prospect is presented, and there are many variables that go into making a match at this level.

Firms only meet if they see some opportunity and do not play foolish games or waste anyone’s time at this level. There must be a good reason to have a call, as each call costs every company involved thousands of dollars.

I only work with firms that I know and trust; they are, after all, million-dollar opportunities that I must manage carefully. In order for me to be comfortable showing my top opportunities to a firm, I have to establish trust. Many hours go into building these relationships—information gathering and sharing valuable intel before a candidate is even presented.

### **Is It OK to See More Than One Firm at a Time?**

There is a level of due diligence that is required when merging, and that means making sure your future partner is the best option for you. The only way to do that is to see what else is out there and look at several options before the final commitment.

Most firms have a professional duty and due diligence that entails looking at a variety of possible merger candidates, so they will request multiple ideas from recruiters in order to compare and determine what is the best option for their firm. Conversations can stop and go for a number of reasons, and so timing has much to do with the final result.

### **When Is It Time to Leave the Recruiter in the Waiting Room?**

This is an important PSA: Recruiters should not introduce two firms and then create the road on which you connect. That would be working both sides of the deal. Many recruiting firms have recognized this conflict of interest and have separated recruiting from consulting. The route that pays someone \$1 million may not be the best route for you.

Once the first few meetings are done, the next step is a detailed look under the hood, with a nondisclosure agreement to protect the next stage of these conversations. Law firms should always leave the recruiter out of this part of the process. Sensitive information should be exchanged in private. A firm does not want a recruiter to have this information to inspire future transactions.

Let the recruiter check in on you every couple of months and keep them in the loop if anything changes. Also, make sure the fee reflects the introduction and does not include a consulting fee.

If it does not work out, do not spend too much time down about it, because there are many more fish in the sea. Your trusted recruiter will likely have another idea on the horizon, and you can start all over.

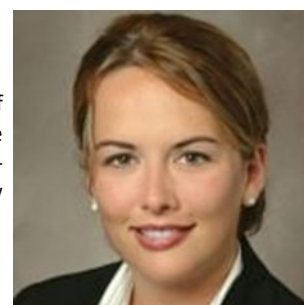
They say you have 10 conversations; you go the distance with three; and you will close with the one. May those odds be in your favor, or even better, and enjoy the journey.

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Kimberly Stockinger is the owner of The Sweetbridge Group, where she focuses on law firm merger introductions, opening new markets and law firm C-suite placements.

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# THE RECRUITER'S BOOKSHELF

## *Atomic Habits* by James Clear

Article by Raphael Franze, Esq.

Released in 2018, *Atomic Habits: An Easy & Proven Way to Build Good Habits & Break Bad Ones* is considered by many to be the most practical book ever written on simple behavioral change. *Atomic Habits* has consistently remained at the very top of the New York Times bestseller list of business books and, given its continued presence in popular and business culture, appears destined to be a new classic.

### AUTHOR'S STORY

*Atomic Habits* is largely informed by author James Clear's recovery following a severe cranial injury suffered on the baseball diamond during his sophomore year of high school. Despite recovering in time for the following season, the injury left Clear a shell of the high school player he previously had been. It was as a freshman riding the bench on the Denison University baseball team, however, that Clear would discover the power of habits in his quest to make good once again on his athletic talents.

Very much a reclamation project at the bottom of the team's depth chart upon arriving at Denison, Clear would use this time of minimal play to develop good habits across various aspects of his life (including his sleep, environment, and studies). With a consistent focus on small habits and the compounding marginal gains that would result, he would steadily rise up the team's depth chart and earn Academic All-American honors as a senior. While Clear's baseball aspirations did not continue beyond college, he felt that he fulfilled his potential and parlayed his experiences into a career as a performance coach for athletes and executives.

### HABITS VS GOALS AND THE IMPORTANCE OF IDENTITY

In order to understand the esteem in which Clear holds habit formation as a vital cog in attaining sustainable success, one must first wrap their head around the three levels in which change can occur:

- Changing outcomes (which is most associated with goals),
- Changing process (most associated with habits and systems), and:
- Changing identity (most associated with beliefs, assumptions, and biases).

All three levels have their merits, but issues typically arise when the process of habit formation begins at the outcome level (resulting in outcome-based habits) as opposed to the identity level (resulting in identity-based habits). One may set goals and attempt to build habits and create subsequent systems to attain these goals; however, these behaviors will not last if they are incongruent with the self. Put another way, ask "what kind of recruiter will I be this year?" before asking "how many placements will I make this year?"

When identity is consciously fostered and is reinforced by the resulting habits and systems, one is likely to change their outcomes for the better even if they've ignored setting goals. As the cycle keeps repeating, the habits and systems become part of the identity and produce the intrinsic motivation that keeps the cycle repeating more seamlessly.

While goal setting can help frame one's ambitions more clearly, it must remain in its proper context and not distract from proper habit formation and system building. This is further reinforced by the central tenet of this book: *YOU DO NOT RISE TO THE LEVEL OF YOUR GOALS—YOU FALL TO THE LEVEL OF YOUR SYSTEMS.*

### THE STAGES OF HABIT FORMATION AND THE LAWS OF BEHAVIOR CHANGE

The intriguing and attractive aspect of habits (at least when they move one towards positive outcomes) is that they have been repeated enough times to become automatic and they are refined over time through the feedback loop that affects all human behavior: try, fail, learn, and try differently. As such, habits become reliable solutions to recurring problems in our environment and are useful in reducing cognitive load and freeing up mental capacity for other cognitive tasks.

It has long been established that the process of building a habit can be divided into four simple stages: cue, craving, reward, and response. While there have been countless publications (both academic and commercial) that address these external factors and that serve as the basis for Clear's work, *Atomic Habits* is groundbreaking in that it considers the effects of internal emotions as well as external stimuli on our habits. This is embodied by Clear's four laws of behavior change, each of which corresponds with a specific stage of habit formation:

Law #1: Make the cue obvious (or, inversely for unwanted habits, make it invisible).

Law #2: Make the craving attractive (unattractive).

Law #3: Make the response easy (difficult).

Law #4: Make the reward satisfying (unsatisfying).

### ATOMIC HABITS AND BECOMING A BETTER RECRUITER TODAY

An example of how *Atomic Habits* can improve one's recruiting practice is in its impact on candidate prospecting efforts. Personally, while I've long known what a good prospecting call is, the quantity of those calls had long been inconsistent from day-to-day and even week-to-week. It was, however, through an understanding of the stages of habit formation and incorporating the corresponding laws of behavior change that I was able to turn this inconsistency into one of my greatest strengths.

#### LAW #1

As it pertains to the first law of behavior change ("make the cue obvious"), a recruiter's calendar is by far the most effective cueing tool in their arsenal. Although this statement itself may seem obvious, the mindfulness required to maximize a calendar's utility can take some practice. While cues that can trigger a habit take many forms, the two most common forms are simply time and location—a self-regulatory strategy known as implementation intention leverages both. Simply put, implementation intention is embodied by the following sentence: "I will (BEHAVIOR) at (TIME) in (LOCATION)."

*"You do not rise to the level of your goals—you fall to the level of your systems."*

*Continued on page 17*



For me, the mere act of scheduling candidate prospecting at my in-town office from 9 AM to noon ET every weekday (and doing so in perpetuity) has reinforced my commitment to the practice and leaves no doubt as to where I prioritize it in my overall recruiting strategy. Whereas I would frequently shift candidate prospecting in my schedule to accommodate other activities (resulting in a less consistent prospecting effort), I now view it as a standing appointment that I consistently honor with any and all other activities (personal or professional) rarely taking precedence during the time block.

#### **LAW #2**

Granted, my previous attempts at consistent time blocking had rarely stuck. It was only after understanding and implementing the second law of behavior change (“make the craving attractive”) that the time blocking would bear consistent fruit. As recruiters, we must identify and gamify the small wins as we labor towards the larger ones—think Jerry Seinfeld facing an uncertain future as a comedian by marking his calendar for every day that he wrote a joke and committing to keep his daily streak alive. We may not have any control over a placement being finalized or a resume being received on any given day but we do have control over so many of the fundamentals that ultimately lead to these results.

Inspired by a workout that requires completing 10 repetitions each of 3 different exercises in under a minute over the course of 20 consecutive minutes, I gamified my candidate prospecting practice by aspiring to a combination of 20 conversations had and/or voicemails left during any given hour. While the number was selected as a stretch goal that I have yet to hit (at least not during office hours when there’s a healthy mix of conversations and voicemails), aspiring towards the hourly goal and obtaining tangible results along the way provides small dopamine spikes. These spikes trigger the dopamine-driven feedback loop, which ultimately leads to an activity becoming a habit.

#### **LAW #3**

The previous two laws of behavior change prepare us to act, whereas the third law (“make the response easy”) involves actually performing the behavior that we associate with a habit. In detailing this law, Clear makes a distinction between “being in motion” (the passive learning that we undertake in preparation of performance) and “taking action” (the active practice of engaging in the behavior that produces an outcome). While being in motion can seem like a more comfortable form of progress, it can easily become a prolonged procrastination trap. Taking action, on the other hand, is all about diving in head first and learning over time by “getting your reps in.” This law is intended to reduce the friction of doing just that.

As I looked to recalibrate my candidate prospecting practices while actively aspiring to the aforementioned stretch goal, it became evident that friction existed everywhere and had not only served to slow my prior efforts but too often to derail them completely. This realization led me to embrace the Law of Least Effort and design my environment to seamlessly manage the sources of my friction.

For instance, my engagement with my database would thwart my momentum between calls and ultimately led to rethinking the manner in which I organize and track certain information in my process. Also, the bad habit of picking up my cell phone to dial and/or hang up calls would open me up to countless distractions of which we’re all too familiar. As a result, reinforcing my hyperlink calling through

my computer while keeping my Bluetooth-connected cell phone out of reach (in accordance with the inverse of Law #1: make it invisible) got me dialed in—pun intended—and building upon the momentum from the preceding calls.

#### **LAW #4**

While the first three laws of behavior change increase the odds that a behavior will be repeated this time, the fourth law of behavior change (“make it satisfying”) increases the odds that a behavior will be completed next time. The human brain has evolved to value immediate rewards over delayed ones and even observing a small success in the moment can help get a habit to stick. Tracking these successes is its own habit and helps to reinforce endurance. Revisiting the Seinfeld method of marking his calendar every day that he wrote a joke, the act of marking the calendar was the incentive he sought to write the joke on a given day (in accordance with law #2); however, seeing the streak grow was what motivated him to do it again the next day (in accordance with law #4).

In the context of my candidate prospecting calls, I have grown to acknowledge and appreciate all the small wins that come from my efforts. Whether they be the loops closed every time I hear “not interested,” the productive conversations that inspire promise for the future, or even the refining of scripts that result from every voicemail left, the rush of satisfaction felt from aspiring to a higher call volume in any given hour provides me with the inspiration to carry that momentum into the following hours and onto the next day.

#### **HOW HABITS CAN IMPACT THE FORMATION OF STRATEGY**

Habits in a fundamental sense are behaviors that have been repeated enough times to be automatic. Stated more broadly, they are reliable solutions to recurring problems in our environment. Also, the more we develop and lean into our habits, the less active our brains are in completing the corresponding task. The conscious mind is the bottleneck of the brain, as it can only focus on one problem at a time. With the unconscious mind the domain for our habits, greater habit development results in reduced cognitive load and frees up mental capacity for other cognitive tasks.

Practically speaking, building habits in the present allows one to do more of what they want in the future. More energy can be devoted to creative endeavors beyond the fundamentals that have already been mastered. For instance, the pianist who can now play in their sleep is free to create music as they no longer give any mind to matching a particular finger with the right key. Over time, the pianist creates increasingly inspired pieces as new and increasingly complex behaviors and thought processes become habitual.

The development of a recruiter is no different. Through trial-and-error and repetition, even the most novice recruiter can see positive results in a matter of months, if not weeks. As the effort of putting in a full day of diligent work becomes more habitual, more thought goes into refining technique and targeting certain candidate and client types that play to the recruiter’s talents and strengths. As results become more consistent, the recruiter becomes increasingly confident and identifies efficiencies for greater output.

To help manage the anticipated output, the recruiter may then add an assistant to aid in the management of such outputs as well as adding recruiters who have already or will eventually ascend in their careers through a similar devotion to good habits. Fast forward a few years and the original recruiter now is overseeing a multi-layered and ever-evolving recruiting organization heavily informed by the individual and collective habits developed in the organization.

It is from habits over time, both favorable and unfavorable, that policies and strategies are created. They inform every aspect of growth and development from the type of clients the organization services to the manner in which it attracts and manages talent (both on behalf of its clients and for the organization itself). Much as the novice recruiter relied on habit formation to free up capacity to propel themselves upward, the novice recruiter-turned-boss can now lean into the policies and strategies as they continue to guide the organization forward.

### INSTILLING HABITS INTO OUR BUSINESS RELATIONSHIPS

A wonderful value-add that comes with the purchase of *Atomic Habits* is the wide variety of bonus material available on the JamesClear.com website. One of these is a bonus chapter to the book titled “How to Apply These Ideas to Business.” In it, Clear revisits each of the four laws of behavior change and explores examples of how each law might be applied in a business context.

From a recruiting perspective, I found this bonus chapter helpful in that it showed how powerful messaging can be when it’s crafted

with the four laws of behavior change in mind. Just as the four laws work to alter our behavior when we properly apply them internally, they can be equally effective when targeted outwardly. After all, they’re designed to make any behavior more likely to occur, and that includes getting prospective candidates and employers to utilize our recruiting services.

*\*Special thanks to Mary Clare Garber, Gary Miles & Mitch Satalof for consulting on this piece.*

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