



PRACTICAL PROBLEMS AND ADVICE FOR LATERAL PARTNERS

Partner-level lawyers who switch firms—or who simply wish to explore the possibility of switching firms—confront many practical problems. From identifying and researching which firms to contact, to making the time to meet partners at other firms, to inventing plausible reasons why you may be out of the office while interviewing with competitors, innumerable challenges—some significant, others merely annoying—crop up during the lateral recruiting process. The following are some practical tips that can make the entire experience of switching firms smoother and more pleasant for lateral partner candidates.

Maintain secure means of communication

The lateral partner recruiting process is all about communication. Partner candidates speak, meet, and exchange email with their counterparts on target firms' hiring committees as well as with such other firm representatives as recruiting- and HR professionals, and finance- and marketing personnel. Of course, professional recruiters ("headhunters") communicate with everyone to initiate the lateral recruiting process and grease the skids as to help the parties assess whether there might be an appropriate fit. Because such communications typically remain confidential—at least so far as the candidate's current firm is concerned—I always advise my candidates to take the following concrete steps:

- Obtain a new personal email address and use it only for employment-related communication. Even if you have a personal email account outside the office, it makes sense to get a new one just for lateral move-related messages. Doing so helps assure that key documents are at your fingertips and reduces the likelihood that important emails get lost in the shuffle during the lateral process. Gmail, Yahoo, and Hotmail are all good choices.
- Use your personal cell phone for recruiting-related conversations; you don't want to face uncomfortable questions from your partners or firm administrators about a pattern of calls to firms or recruiters having nothing to do with your current work.

Gather required documentation as a matter of course

The Lateral Partner Questionnaire ("LPQ") is a fundamental feature of the partner recruiting process and typically requires candidates to detail clients and matters for the prior three years. But how do you obtain such information without tipping off current colleagues that you are considering a "change of venue" for your practice? I suggest the following:

- Even if you are not currently seeking to switch firms, gather reports on each year's billings and collections down by client, as a matter of course. Keep the data in a safe place in the event that you need it to complete LPQ.
- Requesting such information from your current firm should not raise eyebrows if done consistently and for perfectly reasonable/plausible purposes as business development or assessing your own productivity on periodic basis.

Approach the process with a businesslike attitude and confident negotiating posture

Maintaining a confident posture can stand you in good stead with target firms, both during the due diligence/interview portion of the lateral recruiting process, and as negotiations unfold over such details as compensation and equity status. Accordingly, it is important to approach the recruiting process with the proper attitude: considering your professional options does not make you a desperate supplicant. Instead, I recommend that candidates think of themselves quite consciously as potential parties to a business merger—with the fundamental question being whether a particular target firm may provide a superior platform for servicing the existing, and prospective, client base. While a modicum of caution is always appropriate, your interlocutors at target firms will likely appreciate it if your attitude also reflects a mixture of enthusiasm and curiosity about the possibility of working with them.

Assess and solidify client relationships before embarking on a lateral move

The number one question lateral partner candidates face is always the same: "Will your clients come with you?" It therefore behooves you to know the answer to this question before embarking on discussions with other firms. Unfortunately, pre-departure communications with clients about following you to another firm sometimes pose thorny ethical questions. While a full assessment of lateral move-related ethical obligations to clients and partners beyond the scope of this brief note, suffice it to say that you should do everything legally and ethically possible to strengthen client relationships in the months leading up to a lateral move.

Prepare for interviews!

Lateral partner interviews at prospective firms are not an occasion to “wing it.” Rather, you should prepare to address five key topics in conversations with interviewers:

- Yourself: what makes you a good lawyer, advocate, and team player?
- Your practice: be able to speak articulately about your clients and the work you do for them.
- Your business development process: how do you get your clients?
- Your leadership: how have you shown leadership in your firm or department?
- Why the target firm may be a good fit for you and your practice.

Moving from one firm to another at the partner level can be a nerve-wracking experience, even for the most confident of lawyers. However, thorough practical preparation can make the process go more smoothly, and following the foregoing tips and pointers are just a few of the things I've learned in over a decade as a partner attorney recruiter.

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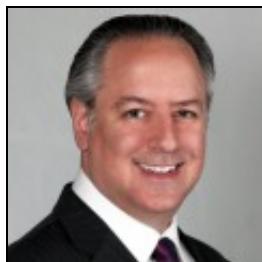


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Adam S. Weiss, Esq. is the founder of the Lateral Lawyer Group, a boutique partner-focused legal recruiting firm. A graduate of Harvard Law School, he formerly practiced in the New York office of Weil, Gotshal & Manges. His book, “The Lateral Lawyer: Opportunities & Pitfalls of the Law Firm Partner Switching Firms”, was recently published by the American Bar Association.