

NALSC[®] NEWS

National Association of Legal Search Consultants Newsletter

Winter/Spring 2018

“New York was fabulous! Shearman & Sterling LLP was generous and a beautiful location for our Fall Symposium! My guest was impressed and went back to his company and said so. I thought the roster of speakers was particularly good this year, comprehensive and insightful. Not to mention everyone, but especially Larry Richard, J.D., Ph.D. and Gary M. Wingens, Managing Partner of Lowenstein Sandler LLP. Thank you to everyone at NALSC for a job well done! “

“We are still discussing our take-aways, as we thought the day was outstanding. We found the presentations and roundtable discussions to be very beneficial.”



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President's Message:

by Kenneth E. Young, Esq.

Dear NALSC Members,

I have enjoyed the privilege of serving as your President for the last two years. I am pleased to say that, under the leadership of a great Board and with the best Executive Director and staff imaginable, NALSC is flourishing and hitting some record numbers. More and more law firms are joining as members, in addition to recruiting firms. And, as of the writing of this letter (March 1), we have 120 people registered for our Austin Conference. Usually, at this point, it is around 100 registrants. If you have not registered, please do so immediately as our already extended room block is almost full. Conference details, registration form, hotel room block information, and sponsor profiles are available on www.nalsc.org. The upscale JW Marriott is downtown, allowing us to fully enjoy one of the most unique cities in America. In addition to being an epicurean hub, there is the lively entertainment district, historic capitol building, stunning Ladybird Lake and more.

Launching our Conference, a team of colleagues will discuss Recruiting and Marketing methods including your feedback in a fun and informative live poll. Completing the afternoon, we will engage in recruiting conversations at our lively Roundtables. Friday sessions cover critical topics such as: The NALSC Code of Ethics®/Sensitive Situations; Law Firm Economics; the New Tax Reform Legislation; Employment Law Updates; and more. In addition, we are honored to have dynamic keynote presenter Todd Cohen, CSP, Principal of Sales Leader LLC, speak on the topic "Everyone's in Sales – Building a Sales Culture! Every Conversation is a Selling Moment." Finally, Saturday's spirited Town Hall Meeting will address current recruiting topics and all of your burning questions. Overall, our program will provide you with a diverse range of topics appealing to both veteran and new recruiters.

Relax with friends and colleagues at our Welcome Cocktail Reception on a beautiful rooftop poolside terrace overlooking the downtown skyline, followed by poker, blackjack, roulette and craps in the Hospitality Suite. We will have a Friday luncheon with an exciting door prize drawing, and toast to a memorable event over Friday Cocktails, and a Gala Dinner offering a taste of Austin's finest cuisine. Enjoy mingling with our sponsors and vendors, catching up with fellow recruiters, and meeting our newest members.

Also, we thank our generous sponsors for their continued support of NALSC®. Our Platinum Sponsors are ALM and lawjobs.com; Gold Sponsor is Kelley Drye & Warren LLP; Silver Sponsor is Leopard Solutions; and Bronze Sponsors are Above the Law, The Cluen Corporation, Evergreen Contract Resources, Firm Prospects LLC, Greenberg



Traurig LLP, Invenias, Kirkland & Ellis LLP, Kortivity, and LegallyLooking.com. Also, our law firm Honorary Sponsors are: Akerman LLP; Bilzin Sumberg Baena Price and Axelrod LLP; Cadwalader, Wickersham & Taft LLP; Crowell & Moring LLP; Dechert LLP; Duane Morris LLP; Gibson, Dunn & Crutcher LLP; Lowenstein Sandler LLP; Michelman & Robinson, LLP; Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.; Nixon Peabody LLP; Orrick, Herrington & Sutcliffe LLP; Reed Smith LLP; Seyfarth Shaw LLP; Shearman & Sterling LLP; Vedder Price P.C.; White & Case LLP; and Wilson Sonsini Goodrich & Rosati.

Finally, for those of you who could not attend our very successful Fall Symposium in New York last year at Shearman & Sterling, we are happy to provide you with the presentation of our keynote speaker, Dr. Larry Richard of Lawyer-Brain LLC. Dr. Richard presented "Better Your Placements by Understanding the Psychology Behind Attorney Career Changes," a presentation that was directly on point for legal recruiters and received rave reviews. NALSC HQ is happy to provide a copy upon your request.

Best regards, and many thanks for allowing me to serve as your President.

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

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NALSC Membership Growth

by Mitchell Satalof

NALSC is pleased to welcome 15 new members since the last newsletter (Fall 2017). We currently have 173 members consisting of 129 search firm members, 3 affiliate members, 10 branch office members, 4 individual members, 25 supporting members (law firms) and 2 associate members (vendors). Following is a list of our new members in 2017/2018 and the cities and states in which they are based.

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

Bovaird Attorney Recruitment - Oceanside, CA
HR Legal Search, LLC - Austin, TX
Legalis Global - Budapest, Hungary
Legalis Global - Chicago, IL
Legalis Global - Germany
Legalis Global - London, UK
On Board Search - Birmingham, AL
Staffworks Professional, Legal Division - New Hartford, NY
Stone Legal Search - San Francisco, CA
The Sweetbridge Group - Sioux Falls, SD

Our new Supporting Members (Law Firms) are:

Crowell & Moring, LLP - New York, NY
Reed Smith LLP - New York, NY
Tannenbaum Helpern Syracuse & Hirschtritt LLP - New York, NY
Vedder Price, P.C. - New York, NY
Wilson Sonsini Goodrich & Rosati - Palo Alto, CA

In Board news- the Board of Directors has voted to expand the number of seats to its maximum of 13. The 2018 election is underway (all members should already have received ballots). The new Board results will be announced during our upcoming NALSC Annual Conference in Austin.

We continue to ramp up our membership campaign for both law firms and search firms. We encourage every one of our members to promote NALSC to those who are not already aware of the benefits of membership. In addition, the Board of Directors has added a new Committee titled Committee of the Corporation for the specific purpose of growing membership within the organization. The members of this committee include Mitch Satalof as Chairperson, Scott Love, Patrick Moya and Jeff Patterson and we are open to adding in additional volunteers willing to assist.

Current NALSC Committees include Executive, Nominations, Newsletter, Ethics, Audit/Risk, Governing Documents, Website and Committee of the Corporation. As members, sponsors, event attendees, speakers, committee members and Board Directors- we greatly appreciate everyone's efforts on behalf of NALSC in helping to make this organization as strong as ever!

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Mitch Satalof is the CEO of Juris Placements, Inc. Mitch serves on the Board of Directors for NALSC and is the Vice President of Membership.

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How Will Generation X Lead Big Law?

by Lauren Still Rickleen, *The American Lawyer*

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“Stop obsessing about the millennials (for now). Gen X lawyers are moving into top leadership roles at firms, while confronting challenges that their predecessors never faced. Are they up to the job?”

For decades, members of Generation X have been stuck between two behemoth, attention-draining generations, wondering if they would forever be relegated to back-bench leadership—mere seat-warmers for ambitious millennials waiting for baby boomers to retire. Now, as boomers slowly face their own mortality and aging bodies after a lifetime of devotion to work, there is no longer a need to question whether Gen X will have an opportunity to lead.

Instead, the critical question is: How will Xers lead as law firms face an onslaught of competitive challenges, increased client demands and a retention crisis that threatens their institutional sustainability?

Born between 1965 and approximately 1980, members of Generation X were raised by parents with the highest divorce rate in history, and came of age during periods of recession and downsizing that often left their parents jobless. Their cultural markers included the Clarence Thomas hearings where Anita Hill stoically faced a wall of skeptical senators, a president’s affair with a young intern that led to his redefinition of sex and the traumatizing moment when the Challenger exploded shortly after its launch, as millions of school-aged Gen Xers were watching the first teacher in space begin her journey.

Media articles referred to young Xers as latchkey children who returned from school to an empty house and watched MTV. A generation frequently described as self-reliant, Xers have come to be seen as a generation who learned to mask their emotions behind sardonic humor and a harder shell that can make them seem less approachable to their younger colleagues.

It is estimated that this small generation had a mere three years as the dominant generation in the work force, ceding that ground to millennials in 2015. Because of its small size, Gen Xers viewed law firm life, defined by rigidity, overwork, and the pervasive influence of the boomers’ competitive ways and workaholic tendencies, as a practical necessity. As Xers developed their skills, they were overshadowed by boomers seeking to stay active and engaged in their practice for as long as possible.

Gen X entered and subsequently inherited a work environment that clung to a long-obsolete notion that most households have a spouse at home taking care of family obligations, leaving the primary breadwinner free to work relentlessly long hours as the price of being viewed as a lawyer committed to the firm. They accepted firm policies that offered an illusion of flexibility, yet often joined in sending the subtle messages that minimized utilization of

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those policies and reinforced the disparity between policy and practice. And they joined in touting diversity and inclusion programs on their websites, even as internal data demonstrated the slow pace of progress.

Xers became astute students of their firm culture, observing hard-working boomers talk about running their firms “like a business,” while eschewing management duties and maintaining practices held within separate firm silos, even when their titles suggested that a more institutional focus was warranted. Boomers serving as practice group leaders, management committee members and managing partners coveted the titles that marked their success in client service and development, but did not embrace the management obligations that should be the focus of these leadership roles.

Because Gen X did not serve as a change agent for a workplace redesign, it could be viewed as a generation comfortable with maintaining the status quo and resistant to rethinking talent management strategies more in concert with evolving demographics, including where and when work is conducted.

In my speaking, training and consulting with firms around the country, I have frequently been approached by young and mid-level lawyers who express concerns in hushed tones and with requests for confidentiality.

These concerns center on a fear that their firm’s culture is not shifting as they’d hoped as younger leaders ascend to power. Indeed, they quietly describe Gen Xers who are dismissive of conversations about diversity and inclusion, equally as unwilling to share origination credits with their colleagues as the boomers they used to complain about, and impatient with younger men and women who, as part of dual career households, are desperately seeking flexibility in order to manage their work and family responsibilities. They also describe emerging Gen X leaders who complain about peers who have not achieved the same level of business development success, even as they are dependent on those same colleagues to do the work of their clients.

These observations do not, however, conform to the way in which Gen Xers tend to see themselves. In my many conversations with members of this generation, they express fear that their time at the helm will be too brief, as ambitious millennials push to assume leadership roles. These Xers do not see themselves as channeling the workaholic tendencies of boomers, but as the over-worked, middle child picking up everyone else’s slack. They see their focus on firm economics as stemming from a fear that they have limited time to maximize their own

compensation as they witness a clamor from associates who never seem satisfied with their own pay checks.

Moreover, Xers question their own assumption of leadership roles in a rapidly evolving work environment where younger colleagues seem to exude greater confidence in adapting to change. An easy defense mechanism, at least on a subconscious level, is to cling to the status quo, delaying needed changes.

Yet even as law firm partners cling to behaviors they associate with prior successes, they know that continuing to do what has always been done is no longer sustainable. As once venerable institutions collapse or morph into entirely new entities through mergers, it is clear that none are immune to the negative impact of poor business judgments and inadequate talent management. Accordingly, for Gen Xers ascending to key leadership roles, the pressure could not be greater. Their management imperative is to implement sound business structures to go along with the drive for increased revenue. *How Gen X Leaders Can Thrive*

Whatever the defense mechanisms that may have been built up over the years, I have heard Xers regularly express their desire to serve as proper stewards for the institutions they are inheriting. They respect the dedication of boomer predecessors who built their firms. They also recognize that to be successful, they must not only partner with their more numerous younger millennial colleagues, but ensure that the firm offers a career path that younger generations see as viable.

If they wish to accomplish this, Gen X leaders must redefine their own job descriptions and embrace the myriad talent management responsibilities that will be required for institutional sustainability and excellence in client service. This will require that Xers address issues that can ensure an engaged and stable workplace.

“These Xers do not see themselves as channeling the workaholic tendencies of boomers, but as the over-worked, middle child picking up everyone else’s slack.”

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Research on the millennial generation consistently documents commitment to a life in which family responsibilities are not overshadowed by work. In fact, in a study by the Pew Research Center, 52 percent of millennials identified being a good parent as one of the most important things to them, as compared to 42 percent of Gen Xers who answered a similar question in 1997, when they were in the same age range.

There are myriad studies that demonstrate other qualities that millennials seek from their workplaces, including transparency, strong communication with management, teamwork and career development opportunities. But no matter how long the list, the bottom line is that what millennials seek is consistent with what anyone would want from their work environment. The difference is that millennials, the largest demographic in the workforce, are giving voice to career goals and aspirations that would be on anyone's wish list.

The challenge for Gen X leaders includes the creation of an assignment system that ensures associates at all levels have an equal flow of work and access to practice development opportunities, rather than a free market process that allows partners to assign work to favored lawyers. It includes the implementation of an evaluation system that will minimize the infiltration of unconscious biases that can negatively impact the careers of diverse attorneys. And it requires a promotion system that respects the hard work of lawyers who engage in institution-building activities such as recruiting and retaining talent, as well as ably managing

the workload of existing clients.

Gen X leaders must also do the hard work of developing a compensation system that provides a fair process for addressing the inheritance of client credit from retiring partners, includes a process for resolving business origination credit disputes among partners, and provides opportunities for women and diverse lawyers to both participate in business development pitches and be included in the resulting work. Finally, they must create a flexible work environment where policies match the opportunities that technology provides, and where those who utilize such policies are not stigmatized.

Gen Xers finally have an opportunity to create their own legacy. As law firms face an uncertain future, can this generation rise above the frustrations they may have long suppressed and build a firm that can offer a culture that optimizes engagement? As Xers assume the helm, now is their time to, like the little engine that could, emerge from the shadows and pull their firms through the mountain of challenges ahead.

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Fishing for Clients or Candidates? Here are the Magic Words to Reel Them In!

By Caryn Kopp, Chief Door Opener

Success in legal recruiting depends, in large part, upon the recruiter's telephone skills. You need your prospective clients and candidates to call you back and engage in meaningful conversation once you reach them. Like you, as Chief Door Opener at Kopp Consulting, I make lots of phone calls. Over the years, I've developed a winning strategy.

Leaving a voicemail message?

It was a very busy Monday at Kopp Consulting. As I was going through each task on my checklist, I needed to call

a potential client. But before I even picked up the phone, I prepared what I would say if I reached his voicemail instead of him. No matter how busy I am, I know it's essential to pre-think and strategically select the words I say. It goes something like this:

"Hi, this is Caryn Kopp from Kopp Consulting. We do new business development, and we can help get you initial meetings with your most important prospects. In fact, one of our clients was recently awarded a place on the Profit 100 list. They grew over 100 percent in the last three years and credited our Door Opener Service for

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landing large national accounts. If this kind of growth is important to you, let's find time to talk about how we can help you as well. Please call me at 908-781-7546, and I'll speak with you soon."

Let's take a look at each sentence so you can prepare for your next call.

Sentence one: In the first sentence, state your name and your company name. This information is crucial because, if the listener deletes the message right after that, you still create awareness and an impression for you and your company, which is important.

Sentence two: Next, explain exactly what you do using language that is relevant and compelling to your potential client. This is the hook. It's also one area where sellers make mistakes. Avoid industry jargon and fluffy, vanilla phrases, which are meaningless and get you nowhere, such as "best in class," and "great service." If you don't have great service, you shouldn't be in business. That is a baseline expectation.

Sentences three and four: The third and fourth sentences are your statements of expertise and credibility. When developing these phrases, ask yourself: Why would decision makers want to talk to me? What is it about what I do that would be of such benefit that they willingly would make time on their busy calendars for a conversation about how I can make their lives better?

Sentence five: Now it's time for the call to action. What do you want? Do you want a meeting? Do you want a returned phone call? Be specific in your "ask".

Sentence six: Lastly, say your phone number, conversationally. No need to repeat it. Put spaces between the digits and then say whatever goodbye is most comfortable for you.

Once you know what you are going to say, leave yourself a few voicemails for practice. Remember this formula: Language + delivery = outcome.

In addition to being conversational in your delivery, it's important to vary your messages over time. You cannot leave the same voicemail a second time for the same person. As time goes on, add more information that also makes an impact.

Although you may leave 25 voicemails in any one day, your prospect hears only ONE of yours. Make it count. Recruiting will be easier when you do.

"Although you may leave 25 voicemails in any one day, your prospect hears only ONE of yours. Make it count. Recruiting will be easier when you do."

Got a prospect on the line?

You need only two sentences and one question to get your conversation off to a flying start. The sentences and question would be:

1. Your name and your company name (i.e., Hi, this is Caryn Kopp from Kopp Consulting)
2. Exactly what you do in language which is relevant and compelling to your decision maker. (i.e., We do new business development and we get our clients the initial prospect meetings they can't get for themselves.)
3. A question which springboards the conversation (i.e., How important is getting more new meetings with key prospects for you this year?)

Of course, you craft language which is right for your business and for your target. Be sure to incorporate the concept we call "gap" – what more could they have by working with you versus what they have now without knowing you. How can knowing you make your prospect's life better?

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When you evaluate the recruiting message you craft (before you use it in a live setting) evaluate it from your prospect's point of view. Imagine your prospect in his/her office, just getting back after attending a morning of three meetings, putting down some items, and getting ready to go to three more meetings. Busy, distracted. The phone rings and your prospect picks it up, and it's you. Will your two sentences and one question work to get you into dialogue?

If the answer is "yes," it's time to practice your two sentences and one question on high-level prospects. See how it works. Do any of the words need to be changed or deleted? Anything need to be added?

Keep it short and simple. Specificity and clarity is key. Avoid using language that makes someone say, "What do you mean by that?"

Use these telephone strategies and you'll see them work their magic, reeling in those high-value clients and candidates. After that, it's up to you to work your magic by making the perfect match.

Caryn Kopp is a best-selling author and the Chief Door Opener at Kopp Consulting, whose Door Opener Service helps clients secure initial meetings with high-level, hard-to-reach prospect decision makers. Reach her at www.koppconsultingusa.com.

The Best Interview Question Yet- For the Candidate to Ask

by Valerie Fontaine, Esq.

One of the wonderful things about being a legal search consultant is that, even after over 30 years in the trenches, I learn something new almost every day. Today, I learned something from a candidate that I want to share, since it's so good. This candidate, a mid-level associate, is wise beyond his years.

When debriefing this candidate after an initial job interview, he said he asked the question he always uses at the end of his interviews, as the answer reveals volumes about the actual job requirements, the interviewer's expectations, and the priorities of the prospective law firm or in-house legal department. The answer lays out the road to success with that particular employer, and allows the candidate to evaluate whether that is a path he can, or wants, to pursue.

The answer to this question gives him an opening during the interview to expand upon his strengths and fit for the position. Conversely, it also might reveal any weaknesses the interviewer perceives in the candidate, so he can address them before wrapping up the meeting.

So, what is this question? Drum roll, please . . .

Here it is: Imagine that you hire me for this position and, a year from now, we are sitting down for my performance evaluation. What could I have done during that year to exceed your expectations?

The candidate tells me that, usually, he is not too surprised by the answer, but finds it very helpful for him to wrap up the interview on a strong note. Today, however, was different. Today, the interviewing partner did not have a satisfactory answer to the question. The partner stumbled about a bit and could not provide any concrete information.

The candidate was surprised by this, but thought that the non-response was, itself, very revealing. It meant to him that the partner had not defined a clear role for the associate in this position. Since the candidate is interested in the law firm, based upon its reputation and other factors, he learned from the partner's unclear answer that, if he is to pursue discussions with this firm further, he would need to make sure that other interviewers there could provide a much more substantive answer to this question. He wants to make sure that not only he, but also the lawyers for whom he would work, are clear about what it would take to succeed as an associate in that department.



He hopes to be invited back for another round of interviews, so he can ask that question again.

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Sometimes, when I am in the middle of a conversation with a new candidate, I get so involved in the action that I forget to obtain key pieces of information related to a potential move. Let me share a system I created which, I hope, makes it easy for you to get all the salient data in the first call.

I created an acronym that helps me remember it all. It's written on the dry erase board in my office where I can glance at it each time I am speaking with a new prospective lateral candidate:

MOBATH

M: Motive.

What is the candidate's motive to move? Sometimes I ask them to give me a range of their satisfaction level within their own firm on a scale of 1 to 10. Knowing their "pain points" allows me to remind them why they started this process if they receive a counter-offer or waver in their resolve to move.

O: Opportunity.

What does their ideal opportunity look like? Before I pitch the opportunity I am selling, I want to find out what their buying motives are. Also, do they need a particular geographic footprint or specific practice area back-up? Knowing what they are looking for helps me make the right match.

B: Billings.

What are their billings or originations that they believe are portable? I like to ask what they billed on their own, what they are responsible for, and what their "day one" numbers would be for first-year revenue from immediate clients that would convey to a new firm. I also ask about the types of clients they represent and whether they need to avoid law firms that represent any specific clients or types of clients as it would create actual or business conflicts.

A: Activity.

What have they done with respect to their job search activity thus far? Are they working with other recruiters? Have they met with another firm recently? How far along are they? Do they have any offers? This is when I also ask them if they have discussed moving with any of their colleagues. Always remember to ask this because, if they tell you they have spoken with a fellow partner, then you are that much closer to getting a group to agree to take a meeting with your client.

T: Timing.

Is there anything timing-related that will impact their move, such as a bonus? For equity partners, have they

Ask Your Candidates the Right Questions— On the First Call

by Scott T. Love

read their firm's partnership agreement? What are the notice requirements? Are there any other provisions in the agreement which might affect the timing of a move? Are there any trials or deal closings that might impact timing? When would be the ideal time for them to move?

H: Hourly.

What is their hourly rate? If they discount for some clients, what is the average? Do they use alternative fee arrangements? Any blended rates or contingency matters? If so, what percentage of their business is affected by the various arrangements?

Save yourself some time and effort by asking these questions. If you remember to use MOBATH in your initial dialogue, then you'll hit on all the key data in your first call—and head off any surprises.

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Scott Love is the President of the Attorney Search Group (www.attorneysearchgroup.com) in Washington, DC, and recruits partners for law firms in Washington and New York. He is also a Board Director of NALSC. Scott can be reached by email at scott@attorneysearchgroup.com or (202) 836-6958.



Why is there a Gender Pay Gap in Law?

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

“Women doing the same work still earn less than men,” Supreme Court Justice Sonia Sotomayor told students at a Brown University appearance in February 2018. “You can’t fight the facts. Pay equality is one of the biggest issues our nation faces.”

According to the 2017 National Association of Women Lawyers (NAWL) survey of Am Law 200 law firms, women make 90 to 94 percent of men’s earnings in the same position at all levels from staff lawyers to associates to equity partners. Why the pay disparity between men and women in Biglaw?

It’s easy to give knee jerk/glib answers, such as:

- More junior women have responsibilities for family that men don’t shoulder... so women don’t put in the hours.
- More senior women aren’t bringing in the business that men are and, in this brave new world of the law business, it’s not what you know or do, it’s what you bring in that matters.

But, if you go beyond the glib, there are some troubling issues below the surface, and we are here to dig down a little.

First, let’s consider that assumption that women associates’ billables are less than their male counterparts because more junior women have responsibilities for families than men do. If, indeed, it is true that junior women’s hours are less than those of their male counterparts, is that really the reason why?

- Consider that perhaps many of those women with families have learned to work more efficiently and don’t over think/over research. They don’t run up the hours and, thus, are penalized since the amount of time spent, not results achieved, is what’s rewarded.
- Or, consider the fact that women actually work as hard or even longer hours than men but, according to NAWL research, a greater proportion of the work they are asked to do is non-billable (assigned pro bono matters, recruiting, etc.).
- Or, more troubling, maybe women aren’t getting the work—the cases, the courtroom exposure, the deals—that require the travel, the extra load, and

juicy work. Why might that be?

- Could it be the *assumption* that women with families don’t want to put in the hours or cannot travel, so are not given those assignments?
- Could it be that the partners invest more in men—give them the good work—because they assume the men are more likely to stick around?
- And then there is what we call the “Mike Pence Syndrome:” at 2:00 am, will I feel comfortable working with you?

Also troubling is that facet of compensation that really skews things: the bonus. Even if the billable hour measuring stick is ostensibly an objective measure, the bonus decision is most often subjective, involving greater discretion. Studies show that the larger the bonus component of associate pay, the greater the gender disparity. For example, when performance evaluations of male and female associates in one Wall Street law firm were analyzed, male supervisors downgraded women for failing to meet gendered assumptions of interpersonal warmth and received less benefit than men for achieving “male” standards of technical excellence, which was what mattered for promotion.

Bottom line:

discretionary pay structure

+ negative stereotypes about women

= a gender-based pay gap

What about the more senior women? Of course they are paid less, because they aren’t bringing in the business that men are. Right? Well, let’s dig into that. Are they not bringing in the business—or are they not receiving the *credit* for bringing in the business? Anecdote after anecdote illustrates the sharp elbows pushing women aside in aggressively claiming origination credit. As the first paragraph of a New York Times article on the gender pay gap in Biglaw put it:

“At big American law firms, there is a 44 percent difference in pay between female partners and their male colleagues, largely because men bring in more big-ticket legal cases, *or are better at getting credit for doing so.*”

And are women getting their fair share of “inherited” clients when the current partner getting that credit retires or leave the firm? In many firms, when a partner retires, it is that partner who bequeaths the client to a chosen acolyte—who looks in material respects like him—a male. Ahhh. The male-to-male handoff, which gets us into those fuzzy issues of availability of networking opportunities and intra-firm networking, which are essential to business development.

A recent *Legal Week* survey showed 97% of female respondents reporting that work events are too focused on traditionally male interests. More than 80% of respondents said that non-inclusive networking activities make it more difficult for women to progress in law—a belief held by 93% of female respondents and 75% of men. And, how many male partners even take female lawyers along to client pitches, let alone allow the women to actually conduct the presentation?

Furthermore, women are not getting the same opportunity as men to develop their practice and rainmaking skills. As Jill Switzer, *Above the Law's* "Old Lady Lawyer" columnist put it, "most firms don't provide the training in marketing, branding, and other "ings" to help women lawyers succeed". In the 2017 ALM Midlevel Associate Satisfaction Survey, fewer women reported having formal business development training before or after becoming partner (59 percent of women compared to 66 percent of men), and only 38% of female mid-levels had a mentor at the firm compared to 54% of males.

It doesn't get any better as women lawyers climb the career ladder. Barbara attended a recent Summit on the Future of Women in the Profession, learning about the disproportionate exit of women from the profession (old news, right?). But the not-so-old news is that the women leaving in the highest numbers are not the younger women, those with the young families but, instead, are the established women. The successful women. Women who have "made it." Why? In a nutshell, there was discussion of "Success Fatigue;" stressing inequity in compensation and the constant fight for credit. In sum, finding that this success hasn't brought joy.

This syndrome is illustrated by this passage from a Law360 Article:

"While she's now one of the highest paid attorneys at her firm, one equity partner told Law360 she has had to wrangle repeatedly over her two decades of practicing law to get compensation and bonuses that are similar to what her male counterparts receive. 'The fact that my compensation is one of the highest reflects favorably on me today, but I had to fight for that tooth and nail, including as recently as one year ago when I told the firm it needed to pay me more money because I'm one of the top generators and relationship builders

for the firm... I don't know that there will ever be a time when I'm not fighting for my compensation while working within a large firm setting."

So, what's to be done? That is a big topic, beyond the scope of this article. Some firms are paying attention and seeking solutions such as: looking hard at how origination credit is allocated, adding other factors to compensation calculations in addition to origination credit, or doing away with origination credits altogether; attempting to take the subjectivity out of associate reviews; and institutionalizing client succession.

We all are being nudged in that direction. How to address the pay gap? At our last NALSC gathering, the October 2017 Fall Symposium in New York, we were "schooled" about a new law in NY, CA, and coming soon to a state near you, pursuant to which potential employers (and—by extension—us) are prohibited to ask candidates about their current pay and compensation history. (There will be more discussion about the legislation at the upcoming NALSC Annual Conference in Austin this April.) Gut reaction? That's nuts! But, upon reflection, we get it. If women traditionally have been underpaid, compensation for the next job for everyone, regardless of gender, should be based on an analysis of the role and what the market should bear, rather than building on a platform that well could have been tilted.

We agree with Justice Sotomayor that the gender pay gap in law and all other sectors of our economy is a critical issue facing our country. And—witnessing the parade of gender bias lawsuits against Sedgwick, LeClair Ryan, Mintz Levin, Proskauer, Steptoe, Ogletree, and others—law firms finally are sitting up and taking notice. It's about time.

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Recruiter Sues Simpson Thacher for \$937K+ Fee

by Kenneth E. Young, Esq.

Boston Executive Search Associates of Cambridge, Massachusetts, sued Simpson Thacher & Bartlett for more than \$937,000 for bringing a high-profile lateral to the law firm. In November 2017, Simpson Thacher announced it hired Sullivan & Cromwell bankruptcy and restructuring partner Michael Torkin. According to the suit filed Dec. 28, 2017, in the U.S. District Court for the Southern District of New York, Boston Executive Search Associates presented Torkin to Simpson Thacher in March 2017 and facilitated their initial meeting in early April.

The suit alleges that both Torkin and Simpson Thacher told Boston Executive Search Associates that the law firm and Torkin would work together from there to determine if Torkin would be a good fit. According to the complaint, the recruiter periodically checked with the head of Simpson Thacher's bankruptcy and restructuring practice regarding progress of the discussions and "was assured that negotiations with attorney Torkin were ongoing and positive." Boston Executive Search Associates said that it introduced multiple lateral partner candidates to Simpson Thacher over the years.

For the placement, Boston Executive Search Associates claims it is entitled to a fee set at the industry-standard rate of 25 percent of Torkin's estimated first-year compensation which, allegedly, a representative of Simpson Thacher told the recruiter would be \$3.75 million. Simpson Thacher claims that no fee was warranted because there was no written contract between the firm and recruiter.

On March 6, 2018, U.S. District Judge Lorna Schofield told Boston Executive Search Associates to amend its complaint against Simpson Thacher to add more facts. The judge also said that the law firm probably would not succeed on a motion to dismiss the case because, while mutual under-

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standing was required for a contract claim, other claims in the case, such as the equitable claim of *quantum meruit* (something of value given with nothing received in return) may stand.

The case, Boston Executive Search Associates Inc. v. Simpson Thacher & Bartlett LLP, case number 1:17-cv-10123, in the U.S. District Court for the Southern District of New York, is ongoing, with a September 2018 date to complete discovery. Regardless of its outcome, the case reinforces the importance of coming to an agreement on the terms of engagement sooner rather than later.

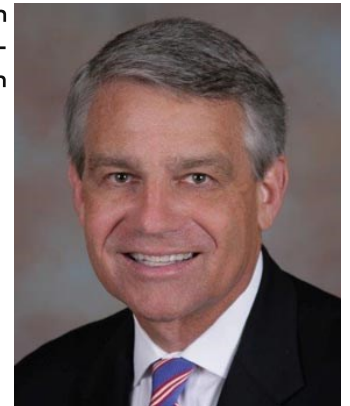
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Raphael (aka “Raph”) Franze is a relatively recent and very welcome addition to the NALSC Board of Directors, and we are pleased to profile him in this newsletter.

Rewinding to the beginning, Raph hails from Warren, Ohio, a city smack between Cleveland and Pittsburgh. He grew up in a Greek family within a strong Greek community. As a result, cultural activities were a constant presence in their lives (language school, folk dance troop, church, and annual trips to Greece, which he affectionately refers to as “the motherland”).

In addition to immersing himself in the Greek community, Raph found himself drawn to sales and marketing activities. Whether it was selling candy for Little League, magazines for middle school, t-shirts to college students, or giftwrap for the band, he took on the task of selling to friends and strangers alike with little fear and great success. He rounded up his peers to help work on his behalf and found himself motivated by the incentives that were offered from sales.

When it came time for college, he naturally chose business, with an emphasis in marketing. He subsequently decided to pursue law school at Case Western Reserve University while also pursuing an MBA at the school’s well-regarded MBA program. Attending Case Western enabled him also to remain close to his family.

Why did he decide to pursue law given his predisposition to business and marketing? “Youthful indiscretion” he jokes. In seriousness, there were a variety of reasons, most of which he admits “likely wouldn’t have held up to scrutiny had the decision been made later in life.” He did, however, enjoy his time at Case Western and was very active in the law school community, serving as SBA President during his third year.”

Upon graduating from law and business schools in 2001, he practiced corporate law for Ulmer & Berne, one of the larger law firms in Cleveland. He enjoyed getting to know and learning from his colleagues, who taught him “what true professionalism entailed.” Not surprisingly, he least enjoyed the billable hour tracking. (Given his experience in sales as a child, it’s only natural that he would pre-

Member Profile: New Board Member, Raphael Franze, Esq.

Founder, LegalSummitt Search Consultants, Inc. (Atlanta, GA)

By Dan Binstock, Esq.



fer to be compensated on success rather than time worked.) Furthermore, having started in a down economy (the week before 9/11), his ability to work on corporate matters was limited and he was routed to other practice areas that he found less appealing.

Finding that his legal work was not bringing true satisfaction, Raph revisited the self-discovery work he had done as a business student. He quickly realized that the

“Having such accomplished recruiters, not to mention quality human beings, to share ideas and war stories with has been so enlightening and, while there are a number of other things I would do differently, my involvement in NALSC was a precursor to many of those as well.”

sales and marketing studies and experiences he enjoyed years earlier would dictate his future career decisions. That said, he was happy with his decision to practice law and says, “I have no regrets for the time I spent in law school and legal practice, and am thankful for the wisdom and initiative to transition out of the profession when I did.”

Once he decided to follow a career path that was more compatible with his sales and marketing DNA, Raph saw an ad in the Wall Street Journal to become a legal recruiter. After learning more about it and finding the profession to be an ideal cross-section of his experience and interests, he moved to Atlanta in 2003 to begin his new career in legal recruiting with the Lucas Group.

After spending about three-and-a-half years with the Lucas Group in Atlanta, Raph decided to go out on his own and open LegalSummit Search Consultants – with a very specific niche in corporate law.

Since that time, Raph has focused exclusively on opportunities in the traditional corporate disciplines (Capital Markets, Mergers & Acquisitions, Private Equity, Venture Capital, etc.). His emphasis is on Associate-level attorneys for opportunities in AmLaw firms, at reputable boutique firms and in corporate legal departments, but he has increasingly worked with more senior legal talent as they’ve progressed through their careers.

What does he find most gratifying? “My narrow corporate practice focus. Having exclusively returned to my corporate legal roots in the latter half of my recruiting career, I find that I bring a heightened degree of knowledge, understanding, intuition, and confidence that has made my work that much more gratifying and brought about more consistent success.”

What does Raph find most challenging? “As the owner of a small recruiting business, it has been easy to get caught up working ‘in’ the business at the expense of working ‘on’ the business. Learning to automate and delegate whenever possible while refining the processes and systems that lead to more consistent success has been huge for me and remains an ongoing challenge, as it should.”

How does he deal with the disappointments of recruiting? “Focus on quality – there is always a market for the very best, and the elite employers and prospects will always want to be with each other. Once I understood what “elite” looks like in my specialty and began focusing my finite time just on pursuing that, success occurred with far greater frequency. When disappointments occur, I remind myself of this and stay the course with my mission and the processes I’ve created.”

What was Raph’s best advice? “My first boss in recruiting told me that, in this profession, most emergencies and new leads should be handled like fresh fruit and not like melting ice cream.” In other words, “most of what is considered ‘urgent’ can wait for the end of the day or the next day, so just stay focused on what you set out to do.”

If he started his recruiting career today, what would Raph do differently? “Join NALSC – prior to joining, I hadn’t realized how isolated I had become professionally in the years that I had been on my own. Having such accomplished recruiters, not to mention quality human beings, to share ideas and war stories with has been so enlightening and, while there are a number of other things I would do differently, my involvement in NALSC was a precursor to many of those as well.”

What is one thing that most people in NALSC would be surprised to learn about Raph? Had he not gone into recruiting upon leaving the practice of law, he was being considered for the CIA. Wondering why you have never seen him slinking around conferences on high alert? That's because the CIA he refers to is The Culinary Institute of America. He has always been a foodie and enjoys most any activities that center around food and drink. While he did not go the culinary route professionally (and, perhaps, for the best since it can make for a grueling career and he truly enjoys the work he now does), he loves taking cooking classes and hopes to essentially play chef at the CIA for one of their week-long boot camps.

A few final random facts:

Favorite TV show: "For me, TV doesn't get any better than *Seinfeld*. I still catch reruns of it a few times a week and, even though I've seen each episode dozens of times by now, it still always puts me in a great mood."

Favorite movie: "*Shawshank Redemption* has been my favorite movie for a while, but the new animated movie *Sing* gives it a run for the money. I like to sing and even took part in a karaoke league a few years back, so it really 'struck a chord' with me." (Ba-dump!)

Favorite book and why: "*Essentialism* by Greg McKeown. At a time when I tried to seemingly do anything and everything, both personally and professionally, this book's central message of 'the disciplined pursuit of less' was a real game changer and helped me craft the hyper-specialized philosophy and approach that I abide by in my practice today. Each chapter's theme of a different action verb makes for an easy, relatable read that I've found enlightening many times through. I've turned many a friend on to it and they've echoed similar sentiments."

Favorite music: "So much by Bruce Springsteen seems to get me right where I'm feeling; regardless where I find myself in life, it never seems to fail that Bruce has lived it and written and sung about it so well."



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