

NALSC[®] NEWS

National Association of Legal Search Consultants Newsletter

Summer/Fall 2018

“This was a world-class conference filled with eager and happy learners. It was well-managed and flawless.”

“As a new member from Europe, I enjoyed the conference and will recommend my colleagues attend future events. I appreciated how welcoming and friendly the other NALSC[®] members were. The speakers, interactive breakout sessions, content, contacts, and conversations offered a lot of diverse information in a short amount of time. The value of client networking alone is enough to include one or more NALSC[®] conferences in your budget.”

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President's Message:

by Dan Binstock, Esq.

Dear NALSC® Members,

I hope this finds everybody doing well, and that you had a wonderful summer.

From an overall level, I am pleased to report that NALSC is running stronger than ever. Our membership continues to thrive with a steady stream of new members joining the organization every year, and the feedback regarding our last conference was very positive. Thank you to all our members and sponsors who have contributed in so many ways to our success.

Looking forward, our NALSC 2018 Fall Symposium is almost here. Taking place at the New York office of White & Case LLP on Friday, October 19th, the full-day Symposium will include a line-up of excellent presenters combined with interactive sessions. In response to your feedback, the program will cover topics such as new social media and marketing strategies; how to best understand and utilize the AmLaw 100/200 in our practice (beyond simply profits-per-partners); a keynote by the Managing Partner of the Arbinger Institute, who has presented to many leading corporations on an important mindset shift; the unique differences between recruiting practice groups vs. individual partners; cold calling strategies; and interactive roundtable discussions. All sessions will include audience participation, take-aways, and best-practices focused on our unique industry. The goal is to provide practical and tangible strategies that can be implemented right away.

In addition to the educational sessions, we will have receptions and networking opportunities throughout the event. As I'm sure many of you will agree, nothing can replace the effectiveness of spending quality time with other members and/or sponsors face-to-face over food and drink. The amount of opportunities (and placements) that have evolved from these casual conversations cannot be overstated. Additionally, I always leave feeling re-energized and re-connected with our community, and am pleased so many others share similar experiences. This event has sold out every year despite increasing our venue capacity and, in the past, we have had to turn away late registrants. So be sure to reserve your seat as soon as possible to take advantage of the early sign-up rate and ensure your admission. Symposium details and registration material are available on www.nalsc.org.

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, Firm Prospects, Goodwin Procter LLP, Goulston & Storrs PC, Greenberg Traurig LLP, Invenias, Kirkland & Ellis LLP,



Kortivity, and LegallyLooking.com. Also, our law firm Honorary Sponsors are Akerman LLP; Bilzin Sumberg Baena Price & Axelrod LLP; Brown Rudnick 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; Sheppard Mullin Richter & Hampton LLP; Vedder Price P.C.; White & Case LLP; and Wilson Sonsini Goodrich & Rosati. We sincerely appreciate your support and involvement with NALSC.

Lastly, the NALSC 2019 Annual Conference will be held on March 14 – 16th in ... (drum roll) ... Las Vegas at the M Resort, a luxury resort about 20 minutes outside the Strip. We chose this destination and resort because it offers the best of all worlds: great weather, a beautiful and conference-friendly facility, opportunities for relaxation and the outdoors, and proximity to the Las Vegas Strip (for those who choose). Receptions will be held overlooking the pools and skyline, and in upscale restaurants with cutting-edge cuisine (Top Chef filmed at this resort).

I wish you all much success for the remainder of the year and look forward to seeing many of you in New York very soon. As always, if there is anything I or the Board of Directors can do to enhance your experience with NALSC, we welcome your feedback and thoughts.

Best regards,
Dan Binstock - President of NALSC

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NALSC® Membership Growth

by Mitchell Satalof

NALSC® is pleased to welcome 12 new members since the last newsletter (Spring 2018). We currently have 178 members consisting of 130 search firm members, 3 affiliate members, 10 branch office members, 4 individual members, 30 supporting members (law firms), and 1 associate member (vendor). Following is a list of recent new members and the cities and states in which they are based.

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

- Clarity Legal - New York, NY
- CrossdalePaul LLC - New York, NY
- Elm & Broad Recruiting Solutions - Wilmington, DE
- Legal Staffing Solutions LLC - Kansas City, MO
- Metz Legal Staffing - Santa Monica, CA
- Novum Group, Inc. - Legal Search Practice - Carlsbad, CA
- Shuart & Associates, Inc. - Austin, TX

Our new Supporting Members (Law Firms) are:

- Brown Rudnick LLP - New York, NY
- Goodwin Procter LLP - Boston, MA
- Goulston & Storrs PC - New York, NY
- Sheppard Mullin Richter & Hampton LLP - New York, NY
- White & Case LLP - New York, NY

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

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

Current NALSC Committees include Executive, Nominations, Newsletter, Ethics, Audit/Risk, Governing Documents, Website and the Sub-Committee of the Corporation. The SCOC (Sub-Committee of the Corporation) is actively working on the pursuit of new members – both search firms and law firms. The committee is comprised of myself (Chairperson), Scott Love, Jane Pollard, Raphael Franze, Patrick Moya, and Lauren Biszewski. Please feel free to contact any one of the SCOC if you have a lead on a potential new member.

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

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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 Law Firms Can Prepare for FinTech Wave

by Keith Fall and Taylor Miller, [Law.com](#)

March 26, 2018

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“While it may be too early to tout financial technology as its own well-defined practice area, the innovations and industry disruption associated with fintech should have law firms and lawyers snapping to attention.”

The world of financial services is being upended by new technologies—from virtual currencies and blockchain to peer-to-peer lending and enhanced mobile banking—that are capturing customers, as well as the attention of Wall Street investors and industry regulators.

While it may be too early to tout financial technology as its own well-defined practice area, the innovations and industry disruption associated with fintech should have law firms and lawyers snapping to attention. For law firms, it’s certainly a moment to market their expertise across practice areas to clients, to recruit the right talent and to ready themselves for potential business opportunities.

Several firms are already marketing fintech industry groups staffed largely by lawyers in existing practices. Among the Am Law 200 firms on Chambers & Partners recent ranking of blockchain and cryptocurrency specialists were Goodwin Procter; Davis Polk & Wardwell; Perkins Coie; Morrison & Foerster; Polsinelli; Cooley; McDermott Will & Emery; and Baker & Hostetler.

To bolster their ranks, firms and in-house departments have also stepped up the competition for lawyers with fintech bona fides. In February, for instance, Marco Santori, one of the best-known lawyers on legal issues surrounding blockchain and virtual currency, moved from Cooley to become president of the bitcoin services company BlockChain. Santori had been one of the leaders of Cooley’s fintech group and had moved to the law firm from Pillsbury Winthrop Shaw Pittman in December 2016 along with Patrick Murck, another virtual currency expert. Baker McKenzie recently beefed up its financial technology practice with veteran IT practitioner Daniel Logan, a Toronto-based partner who moved from McCarthy Tetrault. And last October, a three-lawyer team led by partner Lee Schneider jumped from Debevoise & Plimpton to McDermott to help boost that firm’s fintech efforts. (Schneider is also a thought leader on financial technology legal issues and co-hosts the fintech podcast “Appetite for Disruption.”)

Increasing Scrutiny

The lateral moves and cross-industry practice groups have occurred amid a flood of headlines about virtual currency, its value and its future. Litigation and regulatory questions are already erupting for clients, and are only expected to accelerate as the digital currency market matures.

On the regulatory front, the most recent action has cen-

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tered on digital currency trading. In January, the Commodity Futures Trading Commission and the U.S. Securities and Exchange Commission issued a warning that they would bring enforcement actions over digital currency offerings. The CFTC did, suing three companies over their cryptocurrency efforts. At the end of February, the Wall Street Journal reported that the SEC had “issued dozens of subpoenas and information requests to technology companies and advisers involved in the red-hot market for cryptocurrencies.” A few days later, a U.S. District Court judge ruled that cryptocurrencies such as bitcoin could be regulated as commodities, a direct result of one of the CFTC lawsuits. Also, in early March, the SEC warned that cryptocurrency exchanges risk operating illegally over disclosure issues.

International regulators have been weighing in as well. China said in March that currency-related technology requires more centralized regulation. And the European Union in February signaled that it will increase regulatory scrutiny of virtual currency if the industry does not do more to address investor risk and prevent money laundering.

That kind of regulatory scrutiny, and the ongoing volatility surrounding bitcoin’s value, may not seem like a recipe for an enduring legal practice. But digital currency is just the best-publicized of an array of developing financial technologies that require firms’ attention. Robo-advisers such as Betterment are already using algorithms to automate investment advice for customers. “Insurtech” and “regtech” applications are relying on technology to help simplify insurance and compliance. Such tools as Mint are linking financial institutions to help customers manage their money in one place.

Many of the fintech players are deploying blockchain, which is the technology underlying digital currency. Blockchain is a digital ledger that keeps real-time chronological and public records about transactions made in bitcoin or another cryptocurrency. The technology removes the need for a third party, such as a bank, to verify a transaction and to keep records about it.

“Proponents,” Bloomberg wrote in January, “believe potential blockchain applications go far beyond the cryptocurrency world, and could have an internet-like, transformational effect on the way business will be transacted across sectors, from health care to finance.” According to Investor’s Business Daily, blockchain usage will accelerate dramatically in the next few years. “Blockchain is estimated to have delivered \$4 billion in business value-add or technology innovation in 2017, with that growing to \$21 billion by 2020, \$176 billion in 2025 and \$3.1 trillion

by 2030,” the newspaper said.

Remaining Flexible

The potential for explosive growth is pushing companies to invest in blockchain and to begin testing its potential application in their businesses. Bloomberg noted that MasterCard is now allowing businesses to send money over a blockchain platform, and IBM and a unit of Comcast are now supporting a blockchain investment startup fund. Naturally, lawyers are being hired to help startups, larger companies, and investors capitalize on the technology, defend intellectual property and grapple with the myriad cybersecurity issues inherent in blockchain. Expect more of the same as additional venture capital enters the space.

That’s just a start. Because blockchain represents a fundamental shift in the way digital data is processed, stored and shared, it’s likely to create profound legal questions that cross regulatory and industry boundaries. “I feel like everybody is talking about blockchain like an industry that needs to be separately regulated, where in fact blockchain is a technology that gets implemented in different industries,” McDermott’s Schneider told Bloomberg. “So if you’re going to use blockchain in health care, you need to figure out what health care laws apply, if you’re going to use it in the energy sector, you need to figure out what energy regulations apply.”

As law firms work to respond, they’ll need to avoid overspecialization and instead embrace a flexible, cross-practice approach that will allow them to pivot as necessary to adapt to a fast-changing and relatively new sector. Schneider offers a prime example. His online biography presents his blockchain and financial services tech credentials, noting that he works with transactional lawyers on ICOs (or “internet coin offerings”). Yet it also touts his ability to counsel “clients on a wide range of matters, including regulatory and enforcement issues, conduct of business questions, and general corporate concerns.”

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Similarly, firms that have created groups to respond to fintech clients are wisely offering expertise across a number of practice disciplines. Perkins Coie, which has actively marketed its fintech expertise, says on its site that it counsels fintech companies on regulatory compliance, consumer protection, privacy, intellectual property and business transactions. Perkins Coie lists more than a dozen specific capabilities, from “decentralized crypto-currency programs” to “loyalty and membership cards and ‘points’ programs.”

Firm Needs

Among the laterals who have moved to fintech groups in the last few years, many share backgrounds in emerging companies, venture capital, and cybersecurity practices. Cooley’s Murck, for instance, was previously involved in a number of startups as an employee, entrepreneur and adviser and was a co-founder and former general counsel and executive director of the Bitcoin Foundation. In addition, robust securities litigation, banking regulatory, corporate/transactional, and tax backgrounds are in demand.

In other words, firms that hope to capitalize on fintech should understand that, at least for the foreseeable future, this will be a multidisciplinary space. They should be prepared to handle a very diverse array of potential matters from a disparate group of clients. Successful fintech players will be representing traditional financial institutions and Fortune 500 corporations alongside blockchain and other emerging technology companies.

As for talent, firm managers will need individuals with a keen interest and expertise in technology and data, and who are entrepreneurial when it comes to generating work. The space is relatively new and requires lawyers with relevant contacts to build a book of business. Those lawyers will need to actively network with indi-

viduals and organizations forming in the fintech space and to have their fingers on the pulse of the tech market of their regions.

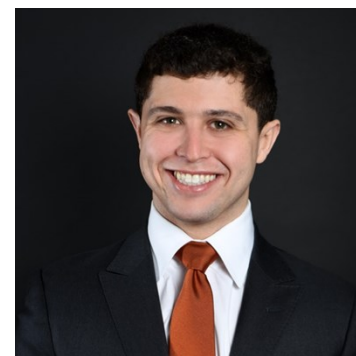
They’ll also need to be deeply aware of Washington’s role in the industry. Regulation could alter the playing field overnight. The Office of the Comptroller of the Currency, in particular, is being closely watched to see if it will support the creation of a national banking charter for fintech firms. An initial proposal by OCC has been met with litigation from state regulators.

Given the potential legal issues at play, it’s entirely possible that fintech will require its own, specialized area of practice in the years to come. The law and the technology are still developing. That doesn’t mean, however, that firms and lawyers should wait to make a move. The potential for industry and economic disruption is immense in the short and long term, particularly where blockchain is concerned. Firms with a stake in the financial services industry should be looking to make connections and building a talent pool if they want a piece of the business to come.

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Who You Gonna Call? Developing Relationships With Attorney Career Coaches Can Enhance Your Business

By Katherine White

Search firms and attorney career coaches can benefit from establishing relationships for referrals – to the benefit of both organizations. What follows are a few ideas about when a referral can make sense, what attorney coaches actually do, and how to choose a coach or coaches.

“I have a friend who is a partner at a small firm. She wants to make a move but is unsure about next steps. Should she move again to a law firm? In-house? Or maybe now is the time to move to a non-profit association? Can you help her?”

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What do you do when a neighbor/colleague/relative/former client asks you to help an attorney they know who is looking to make a change and, unfortunately, the attorney doesn't fit the profile of someone you can place?

"I was asked to leave my position as a partner at my law firm and I have no book of business. I worked with your firm in the past when I made a move as an associate and am hoping you can help me again now. I'm not sure what I want to do next, but my first choice is to move to another law firm..."

How often are you contacted by attorneys who are in the job search process, but their credentials or practice areas don't mesh with the listings you are trying to fill?

Might you also have a candidate whom you think you can place, but they need more polish or to practice their interview skills, and you don't have time to help?

Is there a benefit to the search firm, to have resources to share?

Yes – it's a good business practice to refer attorneys who might one day be a potential candidate—or may know someone who would qualify for the positions you work to fill and will refer them to your firm—because you took the time to refer them to valuable resources.

And – it's also a good practice because the coach can potentially refer candidates to you to place.

What Do Attorney Career Coaches Do?

Here are some of the things an attorney career coach can do for their lawyer clients:

- Help re-focus their search, share wisdom about the market for their talents, assess their careers and next move options
- Assist with preparation and presentation of application materials, LinkedIn presence, and other ideas to maximize their own personal brand
- Work on interview skills and perfecting an elevator pitch
- Collaborate with the attorney to create a career plan to set goals for networking and business development, and assist in thinking about how to gain experience in new fields by volunteering, for example, for bar association or non-profit opportunities

How to Evaluate Attorney Career Coaches

But how to evaluate and choose a Career Coach? Some

“Search firms and attorney career coaches can benefit from establishing relationships for referrals – to the benefit of both organizations. What follows are a few ideas about when a referral can make sense, what attorney coaches actually do, and how to choose a coach or coaches.”

Attorney Career Coaches have completed a coaching certificate program. Programs vary in depth and may or may not be certified by the International Coach Federation, ICF, a coaching accreditation organization. Here is the ICF web site: <https://coachfederation.org/icf-credential/find-a-training-program>. A sampling of other coaching organizations include the Hudson Institute of Coaching <https://hudsoninstitute.com/>, CTI <https://coactive.com/>, and NeuroLeadership <https://neuroleadership.com/>.

Other Attorney Career Coaches have advanced degrees in counseling, or a background in law school career counseling combined with law firm professional development experience. It is important to investigate the reputation and training of the coach, and then choose the person you think has the best handle on the legal market and overall experience. And, you may want to have several coaches—with different specialties—in your stable to refer.

To sum up – as the lateral attorney hiring market continues to evolve and change, it's exciting to see how legal hiring professionals can partner with others specializing in the attorney career transition business, to mutual benefit.

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And, to benefit the attorney seeking guidance in their careers as well.

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www.ktwhitelawcareers.com. Since her business began, she has been fortunate to work with several search firms to their mutual benefit.



Law Firm Appeals Jury Verdict for Recruiter

by Kenneth E. Young, Esq.

A California lawsuit raises questions about how legal recruiters should conduct their business in accordance with both contract law and the NALSC Code of Ethics®.

In September 2017, a Los Angeles jury in the California Superior Court heard five days of evidence and awarded the legal recruiting firm of Gregg Ziskind & Associates \$335,000 for breach of an oral contract with Manatt, Phelps & Phillips LLP when it failed to pay his fee for the placement of partner Donna L. Wilson. *Gregg Ziskind & Associates, Inc. v. Manatt, Phelps & Phillips*, SC121314 (L.A. Super. Ct., filed Sept. 10, 2013).

Gregg Ziskind argued that he met with senior partners at Manatt in April 2013 to discuss convincing Wilson to leave Buckley Sandler and join Manatt. That discussion, according to the suit, constituted an oral contract. But the senior partners apparently did not pass on the communication to Manatt's Managing Partner, who hired Wilson, plus a second partner and two associates, through a rival recruiter, Roberta "Bobbie" McMorrow of McMorrow Consulting. Ziskind alleged that he was owed a placement fee.

Manatt, on the other hand, denied that an oral contract existed and claimed that Wilson refused to work with Ziskind since she already was working with McMorrow. According to Ziskind's lawyer, it came out during the trial that, even though McMorrow had a prior relationship with the candidates, she did not approach Manatt about them until about a month after Ziskind's meeting with the firm. Manatt argued that it hired Wilson not because of anything Ziskind did, but entirely due to McMorrow's efforts and, thus, paid her the placement fee.

Although there was no written agreement or an exact fee specified in Ziskind's meeting with the Manatt partners, Ziskind argued that there is a standard fee and payment implied by custom and practice in the industry, which is 25 to 30 percent of the recruited attorney's annual compensation. He also argued that oral contracts are common among recruiters. McMorrow (who was not a party to the suit) testified at trial that she hasn't signed a written fee agreement in 10 years.

Ziskind prevailed at trial and Manatt appealed the verdict. In early August 2018, oral arguments were heard before a three-judge panel of the California 2nd District Court of Appeal. Manatt argued that the trial court erred in refusing Manatt's proposed jury instructions regarding contracts.

The Appeals court has 90 days to issue a written opinion. The NALSC® Board of Directors and the Ethics Committee will monitor the results and, in our next newsletter, update you with our suggestions for best practices under our Code of Ethics. In the meantime, review your NALSC Code of Ethics <https://www.nalsc.org/code-of-ethics/>, including Article II, Section 3 which reads: "Candidates shall be submitted to employers only with the candidates' express prior consent." And remember that it's always best to have a written contract in place.



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It was supposed to be a routine recruiting call with my candidate Steve (not his real name)— a well credentialed litigation associate with a major AmLaw law firm. I had casually known Steve over the years. He was always jovial and willing to hear about opportunities.

When he picked up the phone in January of this year, I immediately knew something was different. I asked him how things were going at work and, in a monotone voice, he mumbled, “I guess okay” and then his voice trailed off. He seemed preoccupied.

I was concerned but I didn’t know what to say or do. I didn’t want to be invasive but I also didn’t want to be insensitive. He shared that he was stressed at work, his mother was ill, and that he had to hang up to run to a meeting. I wished him well and quietly ended the call.

A few months later, we reconnected. He sounded much better and he shared that he had gone through a serious bout of depression which now was being successfully treated with medication and talk therapy. I thanked him for sharing his story and was glad that he was getting help. Steve’s call made me think about our role as recruiters in working with attorneys who may have mental health issues.

Credible evidence shows that attorneys, as a profession, suffer disproportionately more stress than most other occupations. Attorneys are three times more likely to suffer from anxiety, depression and substance abuse than the general population. As recruiters, we should do our part to educate our peers on basic mental health first aid. The time is ripe to begin a robust dialogue regarding mental health.

To this end, I recently was a member of the Florida Bar’s Special Committee on Mental Health & Wellness. The committee was created to address the serious mental health problems arising from the attorney lifestyle. As part of my role, I became certified as an instructor in Mental Health First Aid (MHFA), an evidence based training program originating from Australia. The certification was lengthy but worth the investment and allows me to have a better ability to provide mental health education and

“I believe that we should do our part to educate our peers on basic mental health first aid.”

referral information when needed.

Attorneys and Mental Health Education— The Time Has Come!

by Joseph E. Ankus, Esq.

referral information when needed.

MHFA’s mission is to destigmatize mental illness and to educate attorneys in MHFA. Hundreds of thousands of individuals have been trained in MHFA and, due to the recent interest in mental health education, the number of participants is growing rapidly.

I know, first hand, how stressful the practice of law can be. As many of you know I am a lawyer. I am not a therapist, clinician or mental health professional. As such, I cannot use, nor is MHFA intended, to diagnose, treat or counsel people in distress. The goal of MHFA is to teach the basic tools necessary to be a potential bridge between someone who may be in crisis— before professional intervention— and to offer appropriate resources for self-help.

MHFA respects a person’s right to autonomy and self-determination while, at the same time, provides an evidence based protocol to help when appropriate. MHFA encourages compassionate, non-judgmental listening and sharing professional resources as circumstances may require.

MHFA benefits everyone who takes it. Attorneys and recruiters may well be called upon to use it for themselves, their colleagues, their co-workers, their clients, their friends, and their families.

ABOUT THE AUTHOR:

Joseph E. Ankus, Esq. is the President of Ankus Consulting, Inc., one of South Florida’s longest established and respected legal recruiting firms. He is a certified instructor for Mental Health First Aid, a leading evidence based educational program appropriate for attorneys, law firms, corporations and law students. Joe has advised thousands of attorneys and considers Mental Health First Aid as complementary to his professional recruiting practice. His MHFA site is www.attorneymentalhealtheducation.com.

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Lateral Candidates Must Explore How Target Firms Treat Clients

by Karen Kaplowitz , Esq.

Law firms considering lateral candidates do extensive due diligence. Any candidate who has had to fill out a Lateral Partner Questionnaire ["LPQ"] knows they must commit to gathering and disclosing substantial information about all aspects of their work including hours, billing rates, realization rates, collections, clients, and malpractice claims. With the recent *Wall Street Journal* scrutiny on law firm rainmakers who have moved without disclosing prior sexual harassment claims, we can expect that firms will add sexual harassment claims to the list of things that candidates must disclose.

Are candidates and their recruiters doing equivalent due diligence? After the failure of major firms like Howrey, Heller Ehrman, and Dewey LeBoeuf, candidates and recruiters have been more assertive about obtaining information about the financial condition of law firms, especially the firms' capital structure and debt burden. Valerie Fontaine of SeltzerFontaine Legal Search Consultants and Barbara Mayden of Young Mayden Legal Search proposed in the Fall 2014 NALSC® Newsletter that recruiters use an "LFQ", a Law Firm Questionnaire to obtain more law firm information. Their proposed LFQ enquires about financial data, billing models, partnership structure, compensation, firm operations, and partnership agreements. <http://www.nalsc.org/wp-content/uploads/2018/05/NALSC-Newsletter-Fall-2014.pdf>. Using an LFQ levels the playing fields between candidates and firms.

But there is one area in which laterals may need even more information than they are getting: whether a potential firm will be viewed by their clients as client-friendly. The success of a lateral partner hire is determined by the ability of the candidate to transition his/her book of business to the new firm. Therefore, a major factor for laterals is whether their clients will welcome their choice of a new firm. The experience of clients who are thrust into new firms because one of their outside lawyers has moved is also a good index of how client-friendly a firm is.

Here are some questions to consider if you are a lateral candidate evaluating how your clients may react to potential firms, or if you are a partner evaluating how user

-friendly your current firm is:

- How long does it take the firm to complete conflict checks?
- Is there a department dedicated to conflict checks?
- Who in firm management is responsible for resolving disputes relating to conflicts and is that person available on short notice to resolve issues?
- Is there a welcome package for new clients offering them information about key firm policies and personnel? When laterals bring in new clients, do those clients receive a welcome package?
- Is there an administrative person who will be assigned to help each of your clients get access to firm intranets, billing systems, and other relevant technology?
- How long does it take the firm to set up new files for clients?
- Does the firm have client teams for any of the lateral's existing clients?
- Has the firm provided laterals and recruiters with a list of lawyers and matters the firm is already handling for clients the lateral also represents?
- Has the firm provided the lateral with a list of clients and lawyers who do work for other companies in the industries of the lateral's major clients?
- Does the firm have a list of rates that the lateral can evaluate and provide to clients?
- Is there a department in the firm which handles pricing and RFPs which can assist in connection with rate issues for clients the lateral will be bringing? Does the firm use alternative fee arrangements?
- What other specific processes does the firm offer laterals to ease their clients' experience?

Example: A very successful lawyer had benefited for many years from having been in just one excellent firm. Several clients had expressed their appreciation that she had stayed put. So, when she finally decided to consider a move, she was particularly attuned to whether she would inconvenience clients. On each occasion when discussions with firms reached the stage that the firm requested that she fill out a lateral partner questionnaire [an "LPQ"], she requested a comparable list from the firm identifying which lawyers represented her clients and on what matters as well as a list of any conflicts with her clients. She also requested that the firm provide her with a list of all clients where the firm was on an approved list of law firms. She also asked to see the materials the firm provided to each new client. She ranked how "user-friendly" each firm appeared to be based on the information she collected. Her choice of a new firm came down to two firms which were offering comparable compensation and leadership roles. She ultimately chose the firm she ranked higher on being "user-friendly" for clients.

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Conclusion. How carefully are recruiters and laterals evaluating how well firms manage the experience of their laterals' clients when they are introduced to a new firm? Can paying attention to the experience of clients of new laterals also help firms improve the user experience of the firm's existing clients? Law firms which pay close attention to the quality of the experience of clients brought to the firm by new laterals are likely to have a competitive advantage in recruiting both talent and clients.

ABOUT THE AUTHOR: Karen Kaplowitz is President of The New Ellis Group, a business development strategy and coaching firm which she founded in 1997. She has helped hundreds of partners in law firms in the US and the UK to build their practices. She also specializes in helping lateral partners make successful transitions to their new firms. www.newellis.com. Karen was named one of Lawdragon's Global 100 – Leading Consultants and Strategists to the Legal Profession in 2018.



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Eight Easy and Painless Tips for Great Networking

by Todd Cohen, CSP

Many people have no idea of what good networking is. They think it's a business card exchange or going to an event and counting down the minutes till they can leave. That's not networking. That's just going through motions, and it has little to no long-term value.

Networking is a lifelong commitment and it's how people build and sustain their business. If you only network when you need to, people smell that desperation and they will flee. Don't wait until you need to be networking to start networking again.

What are the hallmark activities that define great networking? Glad you asked!

1. **It's NOT about you.** Networking is only about relationship building, and it means that you must listen more and talk less. If you make the conversation about you, then it will be the only time you speak with your victim.
2. **Relationship ONLY.** As I not so subtly alluded to in rule one, networking is about building relationships. It takes patience. It takes perseverance.

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3. **Every conversation is a "Networking Moment".** I always say that "every conversation is a selling moment" and also a networking moment. Too often networking is confused with being out of work or having to go to a meeting. Most effective networking meetings happen in an informal setting, such as a one-on-one meeting over coffee. Networking is everywhere and all the time—at the office, at the supermarket, and at the ballpark.
4. **Be Present.** When you are networking, you must be present. If you are not present, and it's obvious that you are somewhere else, you will not have success. If you are in a bad place, stay home.
5. **"Todd's Rule of Two."** Never interrupt two people who are talking. Never insert yourself or otherwise disrupt the conversation of two people. Never.
6. **Your Value Proposition has BIG Value.** How you choose to answer the pivotal question, "What do you do?" is a huge deal. It's how you grab someone's attention and differentiate yourself. It's NOT your title, where you work, or your verbal resume. No one cares about your title; they care about connecting. Your "what do I do" must come from your gut. What do you *feel* you do? What would *your clients* say you do? Your answer should be short (5-10 seconds), memorable, "agnostic" (not too limiting), and engaging. No conventional identifying markers that are essentially buzz words or meaningless. You want to prompt questions and conversation. For example: "I build sales culture" or "I help people find their purpose." These are a higher level than your title and are meant to inspire people to respond, "Tell me more."
7. **"What can I do for you?"** This is the way you end a networking conversation. Like rule one, it's not about you; it's about them.
8. **Follow-Up Matters.** You have 24 hours to follow through on your promise to do what it is you committed to doing. Did you promise to send some information or make an introduc-

tion? Follow-up and follow through immediately, or they will forget you.

There you have it: eight tips for networking that guarantee success. If you would like to hear more, check out my ToddCast on Sales Culture on iTunes and right here: <http://toddcohen.libsyn.com/great-networking-skills>.

Good Networking!
-Todd

ABOUT THE AUTHOR: Todd Cohen, CSP is an accomplished and sought after international keynote speaker, sales culture expert and author of "[Everyone's in Sales](#)" and "[STOP Apologizing and Start Selling](#)."

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One of our newest members of the NALSC® Board of Directors is Patrick Moya, co-founder and President of Quaero Group. If you were at our most recent conference in Austin, you will recall Patrick taking an active role as one of the four presenters for the well-received ethics discussion.

Patrick comes to us originally from Albuquerque, NM where he had an active upbringing through involvement in various sports (mainly baseball, football and wrestling). His initial exposure to sales came through family, as his grandparents owned a Native American jewelry store where he spent a significant portion of his childhood. This led to a four-year stint between high school and college with Sunglass Hut, where Patrick's sales achievements and leadership acumen culminated in his ascent to the role of a multi-store manager for the company. During college, Patrick worked in various doctors' offices and as a commission-based salesman at a high-end consumer electronics store.

While his initial academic interests were scientific in nature (earning degrees in Biochemistry and Molecular, Cellular & Developmental Biology) and his sights were set on medical school, Patrick opted to pursue other endeavors after working with so many doctors who advised him against the time, cost and rigors of becoming a physician. Upon graduating from college, though, Patrick was able to merge his affinity for science with his proven track record in sales and took a position recruiting in the biotech and medical device industries.

Patrick's transition into legal recruiting was subtle, as he engaged in an in-house attorney search for one of his biotech/medical device clients. When the 2008 recession dried up the venture capital financing that fueled his searches, Patrick recalled how much he enjoyed engaging his attorney prospects for that position and decided to pursue legal recruiting full-time. A decade later, with his practice focused heavily on retained partner and general counsel searches, it's safe to say that Patrick made a wise choice!

What does Patrick enjoy most about his practice? "I really like putting partner deals together for my favorite clients. I get a big sense of satisfaction when I know that I helped add someone (or a group) who is moving the needle for these clients, whether

Member Profile: New Board Member, Patrick Moya

President and Principal,
Quaero Group (Denver, CO)

By Raphael Franze, Esq.



that's adding a partner(s) in a practice area that was needed or adding attorneys who add a lot of revenue for the firm. I also really enjoy placing general counsels because a smart general counsel sees themselves as a business partner that helps drive revenue for companies."

As for dealing with the inevitable disappointments that occur in our profession, Patrick has adopted a

number of habits and routines throughout his years in sales and recruiting that have served him well. He works out consistently, which he finds to be most beneficial. He also keeps an open dialogue about lost deals with his circle of recruiter friends as well as with his wife. And he isn't averse to having an occasional drink to close out a difficult day. Like any of us who have been doing this for a while, Patrick also continues to remind himself to not count his chickens before they've hatched.

Outside of the office, Patrick is the proud father of three children ages 4 and under. With Patrick and his wife (an accountant) both working full-time, it's a busy time in the Moya household for sure! Nonetheless, Patrick still maintains an active role in his community: he is currently the Vice-President for Denver Active 20-30 (da2030.org), a non-profit that raises over \$1.0MM for 60 children's charities, specifically geared towards disadvantaged and underprivileged youth. He has also served on the board and remains active in various other recruiting organizations, such as the National Association of Personnel Services and Rocky Mountain Association of Recruiters.

Best recruiting advice: "Jeff Kaye's philosophy about

Market Mastery. Google his video on it and watch it."

Favorite TV show: "Current: Game of Thrones; All-time: Sopranos"

Favorite movie: "Tombstone (I'm from the Wild West)"

Favorite music: "Cliché, but I like everything (except country)"

Most influential books:

"Good to Great – Such a great book on hiring the right people

How to Win Friends and Influence People – First book I read that had a profound effect on me as a business minded professional

Seven Habits of Highly Effective People – Keeps me running an efficient and effective mindset; I'm always growing and it's okay to make mistakes."

Welcome to the NALSC Board, Patrick. We look forward to your energetic input and to your influence in the organization for years to come!

Member Profile: New Board Member, Scott Love

President, The Attorney Search Group, Inc. (Washington, DC)

By Raphael Franze, Esq.



Hailing from our nation's capital, Scott Love is President of The Attorney Search Group and currently is serving in his first term as a Director on the NALSC® Board. As you will read below, Scott brings with him a diverse background, not only in his personal and professional life, but even within the realm of legal recruiting itself.

The product of a military family, Scott spent his childhood moving around quite a bit before settling in South Texas during his teen years. In high school, Scott played on the golf team and was a state-ranked member of the school's debate team. He also was Student Body President and was voted "Friendliest Boy" by his peers (no surprise to those of us who have the pleasure of knowing him).

Scott's achievements earned him admission to the prestigious U.S. Naval Academy, where he continued his involvement in competitive debate. In the classroom, Scott majored in political science—a natural choice given his interest in the human side of the political landscape and the strategic big picture of how the military is an extension of politics. His time in Annapolis also resulted in Scott becoming a military history enthusiast, particularly of the life and teachings of Prussian general Carl von Clausewitz (not my cup of tea, personally, but I won't hold it against Scott).

Upon concluding his studies at the Naval Academy, Scott served as a Naval Officer on a ship before completing his duty as a leadership trainer. It was in this capacity that

Scott relished the opportunity to connect with sailors who mostly came from rough backgrounds but found significance in their naval service. After serving his country, Scott got his start in business-to-business commission-only sales, first in radio station advertising and then in telecommunications.

Scott's first foray into recruiting came in 1995, in service of the commercial construction industry. In 2002, after a successful seven-year stint working deals, Scott transitioned his experience as a recruiter, salesman and trainer into his own recruiting and sales training company. His first introduction to the legal recruiting industry came three years later as a keynote speaker for Major Hagan & Africa (now Major Lindsey & Africa). He found the recruiters he met there to be a sharp and impressive group, so much so that it got him to consider the legal field should he ever decide to get back into active recruiting. By 2010, Scott did just that.

Scott's practice as a legal recruiter is a highly specialized one, focusing exclusively on law firm partners in New York City and Washington, DC. In this capacity, Scott enjoys the intimate and exclusive meetings he has with firm leadership as well as with their partnership in general. Channeling his past as a trainer and public speaker, Scott also relishes the opportunity to speak at firm retreats on the subjects of strategy and growth.

As for the challenges that Scott faces in his day-to-day recruiting practice, making that first call to kick off his day remains an obstacle even after 23 years in the industry. Like any military man worth his salt, though, Scott has created disciplined rituals to help him push through that membrane of call resistance. Once he gets going, the true "Smiler & Dialer" in Scott shines through, logging a minimum of four hours on the phone in a typical workday.

As we all know, in every recruiter's life a little rain must fall and Scott's is no different. How does Scott deal with the inevitable disappointments in our profession? There are four principles he keeps in mind:

1. "I don't spend the money in my head from potential deals and don't count it until it's in the bank. In other words, I emotionally detach myself from the outcome by focusing on submissions and send outs. I almost get more excited about setting up a new face-to-face interview than I do in making a placement. I use game theory in my strategic decisions and don't place bets with my time unless I am certain I will achieve a favorable outcome, yet many times that outcome is not realized until later in the process."
2. "Once I make a placement, I try to make two more right away just in case it turns into a fall-off."
3. "I follow the Stockdale Paradox: I expect to win in everything I do and deep down I know everything will be

fine, but I capture little victories here and there because all those small units of margin add up."

4. "From Jim Rohn, I learned that in the easy summer season the busy squirrel is saying, 'winter...winter...winter.'"

Outside of recruiting, Scott enjoys a variety of creative endeavors: he is a professional watercolor artist, has authored a few business books and is in the process of writing a fiction novel about a legal recruiter (NOTE: Scott has confided in me that "fiction is so hard it's unreal," so be sure to offer Scott some suggestions if creative writing is your thing—and kudos to him for stepping out of his comfort zone). He is also active in his community, attending the Restoration Anglican Church in Arlington, Virginia, and serving in the Washington Rotary Club and on the advisory board for Protect Our Defenders (an advocacy group that supports active duty service members who have been sexually assaulted, abused or harassed). Scott is married and has a six-year-old daughter who loves school, art, and playing the violin as well as a 17-year-old son who is an international model and aspiring musician.

What does Scott enjoy when he's not enjoying his phone time? See for yourself:

Favorite movies: "Twelve O'Clock High with Gregory Peck and any spaghetti western with Clint Eastwood."

TV shows: "Ozark. The 100. MadMen. Breaking Bad. Anything with a good story."

Favorite music: "Ranges from Classical to Jazz to Bowie and Billy Idol. I especially enjoy attending small classical concerts in historic venues."

Most influential book: "Smart Calling by Art Sobczak. Great tactical ideas in that book."

On a personal note, I had the pleasure of watching Scott live as a recruiting trainer early in my career and it was upon revisiting his training resources years later that I found the motivation to join NALSC and become more active in the greater legal recruiting community. In writing my first Member Profiles for the NALSC Newsletter, I find it somewhat poetic and with much gratitude to have Scott as one of the subjects.

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