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SUMMER 2012

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President's Message by Marina Sirras

Dear NALSC® Members,

I am delighted to report on the many positive things happening for NALSC® in 2012 and 2013.

First, we are excited to announce that our full-day NALSC® 2012 Fall Symposium will take place at the New York Offices of Cadwalader, Wickersham & Taft LLP on Friday, October 26th. The theme of this event will be "Delivering Value In A New Legal Recruiting World."

Speakers will include Louis J. Bevilacqua, Esq., Co-Chair of the Corporate Dept and Head of the M&A and Securities Group at Cadwalader, Wickersham & Taft LLP; Amanda Ellis, Esq., Vice President of Search at Special Counsel, Inc.; Steven B. Feirson, Esq., Deputy Chair at Dechert LLP; David Lat, Founder and Managing Editor of *Above The Law*; Bruce MacEwen, Esq., President of Adam Smith, Esq.; Roger Meltzer, Esq., Partner & Global Chair of the Corporate & Finance Dept of DLA Piper; Will Meyerhofer, JD, LCSW, "The People's Therapist" Blog; Alan Miles, Principal of Alan Miles & Associates, Inc.; Andrew W. Singer, Esq., Partner at Tannenbaum Helpert Syracuse & Hirschtritt LLP; and many more. Presentations will be extremely relevant to our audience of legal recruiters, professional colleagues and sponsors. Our program will focus on interactive sessions for your educational benefit such as *Making Lateral Partner Hiring More Rational*; *Recruiting Cases in the News*; *Roundtables - Learning from your Colleagues*; *Opportunities & Techniques in the*

Use of Social Media for Legal Recruiting; *Legal Pitfalls in the Use of Social Media for Legal Recruiting*; and *A Humorous Glimpse Into Legal Recruiting: Perceptions and Reflections*. Networking receptions will include a Continental Breakfast, Luncheon, Silent Auction & Raffle, and Gala Cocktail Reception. Symposium details and registration are available on www.nalsc.org.

We greatly appreciate the continued support of our Platinum sponsors ALM and lawjobs.com; Silver sponsors Leopard Solutions and MaxHire; Bronze sponsors Bilzin Sumberg Baena Price and Axelrod LLP, Broadlook Technologies, The Cluen Corporation, LegallyLooking.com and TFI Resources; as well as our law firm contributor Cadwalader, Wickersham & Taft LLP.

Second, we continue to have new members joining NALSC®. I want to thank all of you - our members and our hard working Board of Directors - for making all of this possible. We continue to focus on NALSC®'s national and international visibility, especially as we strengthen our relationships with NALP, ALM, and all of our loyal sponsors.

On a personal note, thanks to all who attended our NALSC® 2012 Annual Conference in New Orleans at the Hotel Monteleone this past May. This three-day event was an overwhelming success. Legal recruiters, sponsors, speakers, and

professional colleagues gathered for this educational and networking meeting. We greatly appreciate the efforts of Conference Chairperson Darnell Shuart of Shuart & Associates, Inc. as well as NALSC® member Alan Lange of Kinetic Staffing who both provided invaluable assistance. Together they worked diligently to prepare a dynamic and informative program. We are pleased that many testimonials reflected the sentiment "Best Conference ever!"

Please Save The Date for our NALSC® 2013 Annual Conference scheduled for Thursday, April 18th (at 3pm) through Saturday, April 20th (breakfast) at the 4-star oceanfront Hotel del Coronado located in beautiful, warm, sunny San Diego, CA. Details and registration will be available on www.nalsc.org.

I wish you all much success for the remainder of the year.

Best regards to all,
Marina Sirras, President



ABOUT THE AUTHOR:
Marina Sirras is President of NALSC®. She is the owner of Marina Sirras &

Associates LLC (www.lawseek.com), a NYC based legal search firm specializing in the placement of attorneys at all levels of experience in law firms and corporations in the US and internationally. Marina has 24 years of experience in legal recruiting, and she can be reached at msirras@lawseek.com.

2012 Fall Symposium and 2013 Annual Conference by Joe Ankus, Esq.

On Friday October 26th, NALSC® will host its regional Fall Symposium at the New York offices of Cadwalader,

Wickersham & Taft LLP. We expect this full-day event to be dynamic, engaging, and thought-provoking. The selection of

speakers, panels and roundtables will focus on the subject

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"Delivering Value In a New Legal Recruiting World."

Since the Symposium has been such a large success the last several years, we expect over 100 people to attend. Presentations will focus on Lateral Partner Hiring, Legal Issues and Social Media in the Legal Recruiting Arena, Recruiting Cases in the News, the State of the Legal Market, and more. Our goals are for participants to leave with practical tips, strategies, and goals to take home with them back to their businesses.

In addition, we are excited to announce that the NALSC® 2013 Annual Conference will be held 4/18 to 4/20 in sunny San Diego at the iconic beachfront resort Hotel del Coronado! San Diego is a wonderful destination with

perfect weather, beautiful sunsets, and many famous attractions.

This three-day event will begin on Thursday (at 3pm) and end after a Breakfast Town Hall Meeting on Saturday morning to allow maximum time for attendees to enjoy all that this incredible destination has to offer.

With a star line-up of dynamic and informative speakers combined with interactive roundtables and workshops, we expect this event to be an enormous success with useful take-aways. Additional surprises include a Gala Cocktail Reception in a gorgeous garden setting and an oceanfront Sunset Dinner overlooking one of the top 10 beaches in the U.S. as

named by *The Travel Channel*. Certainly this will be a Conference you won't want to miss!

ABOUT THE AUTHOR:

Joe Ankus is Executive Director and past board member of NALSC®. In addition, he is President of Ankus Consulting, Inc. (www.ankusconsulting.com) at which he has specialized in legal recruiting for 20 years as well as training seminars specifically for legal recruiters. Joe can be reached at info@ankusconsulting.com.



"San Diego is a wonderful destination with perfect weather, beautiful sunsets, and many famous attractions."

There is Hope for Your Legal Career

by Ari Kaplan - Reprinted from *The National Law Journal* May 25, 2012

I left Austin last month after attending the annual conference of NALP (formerly the National Association for Law Placement). I left with a feeling of hope, especially after hearing Jim Jones, senior fellow at the Center for the Study of the Legal Profession at Georgetown University Law Center, deliver the closing plenary address. Although Jones, who has served as both a general counsel and managing partner for an Am Law 100 firm, acknowledged the legal industry's fragile economic climate, he highlighted that, demographically speaking, it is a great time to be entering the profession.

With a reported 80 million baby boomers, who make up half of all lawyers, close to retirement, and only 46 million Gen-Xers, who account for only 20 percent of practicing attorneys, available to assume their roles, "the long-term prospects for lawyers are encouraging," he said.

Beyond the statistics, Jones said, there are many more ways to enter law firm partnership than in the past, because the competitive market now prizes expertise and experience over longevity with an organization. "The profession has become more of a meritocracy than ever before, as firms want experience and performance; if one works hard and well, the opportunity to advance is at an all-time high," he said.

Also, in-house positions are more attractive than ever before, offering career paths that rival those at law firms. And the proliferation of new kinds of legal services providers is creating a wide range of career options. "There are many different ways to be a lawyer today," he said.

Jones cautioned that the journey is not likely to be smooth. "Every young lawyer's career will undoubtedly make surprising and unpredictable turns along its course," he said. "Many lawyers

will change jobs multiple times; the key is to be flexible in the Darwinian sense, by effectively adapting to changing environments." The average time to make equity partner is now 10.5 years, and law firms are downsourcing to complete work at less-expensive locations using less-expensive staff.

He put his optimism in perspective. "2008 really was like driving off a cliff for the legal industry," he said, noting that in 2009, firms laid off 8.7 percent of all the associates in the United States. The road to recovery has been challenging, as well. While a solid number of law firms outperformed their financial expectations in 2010, Jones said, 2011 ended with a modest increase in demand fueled by sluggish growth. In fact, he said, the data showed that the profession is still 100 hours lower in terms of annual productivity

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per lawyer since the recession began, and realization rates have fallen steadily, to 80 percent from about 95 percent a few years ago.

To compete, Jones encourages lawyers to embrace change and

reinvent themselves throughout their entire careers. "In a time of drastic change, it is the learners who inherit the future; the learned find themselves equipped to live in a world that no longer exists," he said.

Take advantage of the promise in the market. Start the process by

determining whom you want to meet and then leverage the various technologies and strategies you already use to meet them. Take calculated risks in contacting others with a genuine purpose to be the learner who inherits the future of the legal profession.

Anatomy of a Lateral Move

by Laurence R. Latourette - Special to Law.com October 25, 2011

The call came on a cool, clear Thursday morning in April: "Bill" was in trouble. He had joined a midsize firm as a partner nine months earlier. Now, despite assurances to the contrary, the firm had accepted a representation that would be adverse to Bill's main client. He needed to move, and he needed to move fast.

We met for more than an hour that afternoon covering all the critical issues: his professional history; his expertise; his clients and potential conflicts; his billings, collections and rates; whether he would be bringing anyone with him; the kind of firm and culture that he was looking for, including additional support he would need; how much longer he wanted to practice; and the level of compensation he could expect.

OVERVIEW

Each year about one in 20 partners faces a lateral move. As I described in a previous article on how law firms might improve things, the process can seem irrational and daunting, especially to first-timers. Having gone through a lateral move myself, and overseen the hiring of numerous laterals as a managing partner, I'm more familiar with this arcane ritual than most. Now, after 10 years as a recruiter guiding dozens of candidates through the process, I offer an "anatomy" of a lateral move, using Bill's experience to demystify the journey and explain how firms evaluate candidates, which materials candidates should typically produce, the normal sequence of

events, and how candidates can best prepare for them.

HOW FIRMS EVALUATE CANDIDATES

Reasons for the Move: Firms always want to know why someone is considering a move, and view some answers as better than others. "Good" reasons include an insurmountable conflict with a major client (the situation facing Bill); being in a practice area that is not part of the core mission of the candidate's current firm and looking for a more supportive environment; wanting to move up the firm food chain in terms of sophistication of practice and clients; seeking the possibility of a leadership position when advancement is currently blocked (e.g., a practice group leader who is only slightly more senior); wanting to be at a firm with a better array of supporting practices, offices or clients that would help the candidate's business development; and looking to be part of a highly regarded practice group. Less desirable reasons include simply wanting more money, rampant personality conflicts within the current firm, desiring to work less, or just changing for the sake of change.

Metrics: Each firm has its own method for evaluating whether hiring a candidate makes economic sense. A big New York firm, for example, almost always looks for someone who can bill clients in the \$650 to \$900 range and has annual portables (or someone who could be expected to generate them, such as a very senior government lawyer) well

north of \$1 million; anything lower would be dilutive. Many other firms, in contrast, look for rates in the \$500 to \$700 range and will consider candidates with billings in the high six figures. While firms have differing policies regarding billable hour requirements (some focus only on the profitability while others expect certain minimums), they all focus on collections. A partner may have a high rate and bill \$2 million, but the economics are much less attractive if they only collect 60 percent of those billings. Finally, firms scrutinize revenue trends, especially in determining compensation. Although firms sometimes make an allowance for one poor year, a consistent decline is troublesome. Firms thus will typically use the most recent year as the base amount in such cases rather than an average.

Bill's numbers were solid but not spectacular. He had had an effective billing rate of \$550, had peaked several years earlier at \$1.5 million in collections, which had slowly fallen to \$1 million, almost no write-offs, and put in an average of about 1,800 billable hours.

Client Diversification and Conflicts:

To diversify risk, firms prefer candidates who have spread their business among a number of clients rather than concentrating it in just one or two large ones. While they generally like high-profile clients who can raise their profitability and status, the more dominant a company, the more likely it is to create conflicts with others in

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that industry. Further, such high-profile clients often expect that firms will voluntarily forgo representing even potential competitors (sometimes referred to as the "Microsoft conundrum"). A candidate with such a client thus has no chance at any firm that currently represents a competitor. Even if a firm doesn't have an immediate conflict, it must make the determination that representing the 800-pound client is worth being shut out from pursuing other potential clients.

Bill had worked with a marquee high-tech client over the last decade, which constituted about three-quarters of his portable business. The client had followed Bill through several moves, but its conflicts policies necessitated the moves. Thus, while the heft of the marquee client and its loyalty to Bill mitigated the diversification issue, a number of firms would likely shy away from hiring him because of definite or potential conflicts with his showcase client.

Expertise: Not surprisingly, firms prefer candidates with skills that can bolster their bench strength. In today's market, few firms are hiring servicing partners who can't at least financially support themselves. Still, it helps to have unique skills and the willingness to work. After all, firms do not live on metrics alone. Bill had the advantage of a desirable specialty and a history of working well for clients not his own.

Personality: Few firms would reject a major rainmaker solely on personality grounds (though there are extreme cases where such candidates have failed the often stated but spottily enforced "no jerk" rule [audio]). Still fewer would hire a veritable saint with no business. But it always helps, especially for a candidate on the cusp, to be the

type of person that you wouldn't mind spending five hours in O'Hare Airport with. Bill was an honorable, decent and -- for a lawyer with an arcane specialty -- downright personable guy. Another plus.

Professional History: Too many moves too quickly raise a red flag to most firms. After long stints at two firms, Bill had already moved twice in the last three years. Fortunately, he had "good" conflict-related reasons for each of the moves that could defuse that issue.

Age: While loathe to admit it, most firms prefer younger, rising partners with decades of future productivity to those nearing retirement, especially if the firm has a mandatory retirement policy in place (see my article "Practicing Law in the Era of Mandatory Retirement"). Bill was in his early 60s but appeared 10 years younger and was committed to practicing at least another 10 years. Although some firms might have been deterred by his age, I didn't think it would be that much of a problem.

Compensation: Just as firms vary in evaluating the metrics, they also differ in setting initial compensation. Some simply give a flat percentage (usually somewhere between 33 percent and 45 percent) of collected billings to a lateral for a period before agreeing to a guaranteed amount, thus putting the entire risk (and reward) on the candidate. More typically, firms using conservative calculations will guarantee a percentage of the candidate's book of business (normally between 25 percent and 40 percent), frequently having an upside kicker if the candidate exceeds a threshold amount (e.g., 30 percent of everything in excess of \$1 million). In cases where a lateral doesn't have an immediate book of business, such as one coming from the government, firms will

use experience and what others are paying such candidates to set an initial compensation level. In the current market, most firms will bring in all but the biggest rainmakers as income partners to provide a test period ranging from 12 to 24 months. Those with only one class of partner, or that deem the candidate worthy of immediate equity status, must determine where the candidate fits into their compensation formula, which doesn't necessarily rely on a percentage of expected revenue.

Given Bill's metrics and overall profile, there was a good chance of finding a firm that would offer him a base compensation in the \$325,000 range, with a share in the upside, and an 18-month guarantee.

A TEMPORALLY UNCERTAIN PROCESS

Then there was the issue of timing. Bill wanted to move as soon as possible, ideally in less than two months. While the sequence of events for a lateral move is pretty standard, the length of time firms actually take is notoriously unpredictable. I typically contact the partner in charge of hiring (frequently the managing partner or practice chair who has asked that I be on the lookout for such a candidate) with a brief description of the candidate's practice and their resume. (Sometimes candidates prefer that I send an anonymous description to gauge interest before using their name or resume.) The contact circulates this information internally and if there is interest, an initial meeting is set up. If that goes well, candidates are asked for information about their billings and clients, frequently in the form of a business plan. If still on track, there might be two or more additional rounds of interviews (a trip to the home office -- if not local -- is almost always required). Toward the

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"Too many moves too quickly raise a red flag to most firms."

"Just as firms vary in evaluating the metrics, they also differ in setting initial compensation."

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end of the process, firms generally request that the candidate fill out a Lateral Partner Questionnaire (LPQ), requiring details on, among other things, metrics, clients and professional history.

Finally, the firm's executive committee usually meets to determine whether an offer should be made and, if so, its terms. In some firms, the entire partnership has to vote on the matter, although offers are frequently made with this being largely perfunctory. Similarly, the offer is often contingent upon the candidate receiving positive references, who are usually only contacted after a candidate has accepted.

Each of these steps can add weeks, if not months, to the process. Sometimes a key decision maker is too busy to focus on the matter. The scheduling of interviews can also take weeks or months, especially during summers and the end of the year when availability is a problem. Candidates themselves can slow the process by not being available and delaying the completion of the LPQ. Generally speaking, a "fast" process takes about two months, with the average being three or four months, and some taking twice that.

I couldn't guarantee to Bill that he would be hired by a certain date, but I promised to do everything I could to accelerate the process. The next day, I sent him a list of target firms and revisions of his resume and business plan. We finalized all three over the weekend, and I began contacting firms on Monday.

Resumes: In this digital age, some lawyers and recruiters don't bother with resumes. This is a mistake. First, by taking the time to prepare a resume, the

candidate signals he or she is serious about actually moving. Second, a good resume can highlight experience and clients in a way that a web bio cannot. It can also be tailored to the specific needs of the recipient firms. I therefore ask all of my candidates to have resumes, which I review to ensure they present the candidate in the best possible light. If need be, I may even prepare the first draft.

Business Plans: Along with a potent resume, partner candidates should also prepare a business plan. The ideal plan presents an overview of the candidate's practice, billings, collections, rates and hours worked over at least the last three years, key clients and a discussion of how the practice would thrive at the prospective firm. If the initial meeting goes well, a firm usually wants to see these details before deciding whether to go forward. When I was a managing partner, I put a great deal of weight on these overviews. As a recruiter, I review them carefully to ensure that the candidate provides accurate information in an effective fashion, frequently going through several drafts to get it right.

With Bill's need to move in a hurry, we combined the resume and business plan in the initial submission to firms to allow them to evaluate Bill as quickly as possible.

Targeting Firms: My partner and I immediately listed 20 firms that were looking for someone with Bill's expertise and that had compatible billing rates, practice areas and culture. (My partner and I have a combined five decades of experience practicing big firm law and recruiting in Washington, D.C., and are quite familiar with most of the players.) Bill nixed several of them for personal reasons and suggested several others.

On Monday, four days after Bill's first call, we sent his materials to the target firms, stressing the need to move quickly. A number responded positively. Within days, Bill had his first interview scheduled for the following week with a firm I knew could act swiftly. We followed up with telephone calls on Friday. By the following Monday, we had two interviews lined up, heard from a half-dozen firms that Bill's marquee client posed a conflict, and had been told by several others "it wasn't the right fit." The rest were still considering Bill.

Interviewing: A recruiter should prepare a candidate for an interview for the same reasons that a lawyer prepares a client for a deposition: Someone who is prepared and has thought through his or her responses is more relaxed and more confident and gives better, more effective answers than someone who is surprised. So, as I typically do, I met with Bill before the interviews to go over his general approach, the questions he would probably be asked, and the people he would be meeting. Candidates have found this dry run extremely useful in deciding what to stress and how best to address difficult issues. I also go through the basics of interviewing: Wear suitable business attire, ask substantive questions, be excited about the possibility, and confident, but not boastful, about your abilities. This preparation helps prevent rookie mistakes.

Both of Bill's interviews went well, but only one firm decided to move forward. I had one of several off-the-record conversations with the hiring partner to find out whether there were any areas of concern and to make sure the candidate and the firm were in the same ballpark with respect to compensation.

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“A recruiter should prepare a candidate for an interview for the same reasons that a lawyer prepares a client for a deposition: Someone who is prepared and has thought through his or her responses is more relaxed and more confident and gives better, more effective answers than someone who is surprised.”

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Such conversations are valuable to both sides to smooth out misunderstandings and address awkward questions (the role has been described as somewhere between matchmaker and real estate agent). Another round of interviews occurred the following week, and then Bill was presented with the LPQ as the penultimate step before a trip to the home office.

LPQ: An LPQ can intimidate even the most seasoned lawyer. It requires a variety of judgment calls regarding, among other things, estimates of future business. Working with a recruiter to massage and brainstorm these nuanced areas is invaluable. Being risk averse and not wanting to overpromise, Bill had estimated future billings several hundred thousand dollars below the previous year's figures and even further from his historical average. After we talked it over, he saw he was

being overly pessimistic and raised the numbers to be more in line with the year before but below the three-year average. (Some lawyers go in the other direction, predicting much higher numbers than anything in the past; unless such "hockey stick" projections are backed up by objective facts, firms are rightly quite leery of such optimism, and such overreaching can cost a candidate an offer.) LPQs also usually ask for references. This is another important choice: They should be people who know the candidate well and can attest to their abilities and personal attributes. Candidates should never list someone who hasn't already agreed to be a reference and who hasn't been told that the candidate is considering a lateral move.

FINAL RESULTS

After helping Bill with the LPQ and discussing the people he would be meeting at the home office, Bill flew out three weeks after our first contact. Within a

week, he had an offer with a compensation package slightly better than I predicted. While several other shops were still considering our initial materials, Bill accepted the offer within two days. He started work at the new firm five weeks from the date of our first meeting, and a week before his internal deadline. I met with him for coffee a month later -- he is very happy at the new firm and was remarkably gracious in his thanks for our efforts on his behalf.

Although Bill's move was quicker than most, the process is roughly the same for all laterals at the partner level. To the uninitiated, such a path may seem more daunting than it is. While never to be undertaken lightly, with a good reason for the move, a realistic understanding of the market and the process, and the patience required for what can be a long and winding journey, a lateral move can lead to a significantly improved quality of professional life.

“...the process is roughly the same for all laterals at the partner level. To the uninitiated, such a path may seem more daunting than it is.”

How To Resign

by Jorg Stegemann - Reprinted from Blog www.MyJobThoughts.com April 11, 2011

You have taken the decision to leave your current employer. This means that you have lost the faith to change your job for the better and all you wish at this point of time is a clean departure and positive references. Here is how to ensure you will leave in good terms:

- Your **decision should be final and non-negotiable** if you want to maintain your credibility. Be 100% sure. This means several prior talks with a boss or mentor and the realistic understanding that the reasons for leaving will not change shortly.
- What will be the **reaction of your boss?** Prepare to **receive a counter-offer** and to hear something like “I understand, Tom, but please let me talk to my boss and see what we can do for you. You have been with us for so many years, don't throw that away. By the way, where do you want to go to? Oh, really, to

XYZ?? If I was you, I would really think about that twice. I do not mean to influence you but...”. Better think about what is going on here twice. Will the reasons that made you take this decision be different with a new salary or another job title? Why have they never offered this to you before? At the moment when you resign, your superior has a problem – you don't. S/he might therefore try to keep you. However, the trust is broken. Forever. Your boss will not forget and you might be the first one to be replaced when someone better (=more loyal) turns up or when things get tight.

- If you have an **exit interview**, it may be tempting to say all the things that always bothered you in this company. Consider this well. Do you really want to change the company you are leaving? What's in for you? Will there rather be a positive or

negative impact on you when you criticize your employer, strategic decision or former bosses? Give fair and true feedback when you are asked but don't be emotional or try to change the world. Whether the reasons that made you resign will change or not is irrelevant for you (please ignore this point if you are Robin Hood or Mother Theresa).

- Do not change your **professional and loyal manners** until the last day you are on the payroll – and beyond. Think about your reference and what your colleagues will think and say about you.
- **Never ever talk negatively about your former employer** as this will always have a negative consequence for you. . If you give reasons to third parties, a good answer can be, e.g. “XYZ is a very

“Your decision should be final and non-negotiable if you want to maintain your credibility. Be 100% sure.”

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good company and I am grateful for everything I learned there. However, it was time for me to move on and I had this fantastic offer which I could simply not turn down.”

Conclusion:

Be sure of your decision and don't let anyone turn you around. At this point, think only about what is good for you (the confidence that you stayed professional until the last day and will therefore always receive

a positive reference). If you don't look after yourself, no one else will.

Do the Right Thing

I was working with a candidate who became the number one contender for a position I was trying to fill. The client called me and said that they were very impressed by the candidate and wanted to move ahead with the process by asking for writing samples and references. The client also asked me to confirm the salary numbers that the candidate had given.

To my surprise, the numbers did not match! I was fairly certain the candidate had truthfully and accurately given me all of his compensation information. So why the discrepancy? I told the client that I would get to the bottom of this and circle back with them.

I called the candidate who admitted that during the interview he got nervous and replied with an inflated salary since he was embarrassed by his “low earnings.” He later added, however, that with profit sharing added in, there was really little or no discrepancy.

I was unsure how to handle this situation and what to say to the client. My credibility was at stake if I did not tell the client the whole truth—the truth that the candidate did not answer a direct question about base salary accurately. The candidate's intentions were not malicious and the discrepancy could be explained by the profit sharing. However, I felt that the client deserved to know all the facts so

they could draw their own conclusions to make an educated decision on the hire. What would you tell the client?

“...the client deserved to know all the facts so they could draw their own conclusions to make an educated decision on the hire.”

Note: “Do the Right Thing” is not reviewed by the NALSC® Ethics Committee, nor does NALSC® approve or disapprove of the thought process or proposed resolution of the dilemma presented.

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