

# NALSC® NEWS

National Association of Legal Search Consultants Newsletter

Winter 2023

## EVENT TESTIMONIALS

*"It's always fabulous to gather with colleagues and clients. I appreciate the opportunity to learn from and exchange ideas with those at the top of our profession."*

*"The speakers were dynamic and relevant and shared on-point insights, timely data, and 'real experiences.' The breaks were filled with exceptional conversations and relationship-building."*

*"Overall, it was a fantastic event! It exceeded our expectations. We enjoyed all the panelists which were informative and interesting plus we loved networking with so many talented recruiters and executives. The event was very well organized and the location was fantastic! Well done :-)"*

*"Thank you so much for putting on such a wonderful event and making me feel so welcome!"*

## Upcoming: NALSC 2023 Annual Conference

**3/30 - 4/1**  
**Nashville**



[Link to NALSC 2023 Annual Conference](#)

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Dear NALSC Members,

As the year unfolds, we're looking forward to the continued growth of our search firm and law firm constituency. Without a doubt, NALSC is flourishing! The camaraderie among our group of members and sponsors continues to strengthen the legal recruiting industry overall. Our Board of Directors, along with the incomparable Stephanie Ankus, our Executive Director, continues to be instrumental in leading NALSC on this upward trajectory.

On March 30th, we'll announce the newly constituted Board, and the Board then will choose the Executive Committee. Years ago, we determined that, by instituting term limits on Board membership (each term is 3 years with a 2 consecutive term limit), we'd have a continuous influx of new talent that would bring fresh thinking and an infusion of energy.

Sadly, the process also means we'll be losing some essential contributors whose institutional knowledge isn't easily replaceable. Moving off of the Board this year will be our long time Secretary and Newsletter Chair, Valerie Fontaine, who's as close to irreplaceable as it gets. Also timing out are Avis Caravello, our Ethics Chair; Raphael Franze, who fine-tuned our highly successful Nominations Committee; and lastly, Scott Love, who led us into the world of podcasts. All contribute more than what I've listed above and will be sorely missed as their dedication to NALSC's goals and mission has been second to none.

This time next year will be more of the same, with several additional key Board members terming out, including yours truly. This is why, in the recent past, we've expanded our supporting committees, some ad hoc, which become the breeding ground for future Board members. Ask any Board member for information if you have an interest in becoming more involved.

NALSC's membership continues to grow with nearly 250 entities. Search firms are joining at record levels while more law firms are partnering with NALSC every day. This connection between search firms and law firms is crucial to NALSC's mission of upholding the highest ethical standards, building relationships with clients, and improving the overall success of our industry. Furthermore, NALSC always will be appreciative of our corporate sponsors who provide the legal search community with valuable goods and services.

We have numerous ongoing projects underway. We're working diligently with our Board and additional contributing members, our sponsoring law firms, and the Advisory Committee (made up of law firms) on finalizing the Universal LPQ (U-LPQ). Beyond its use as a recruiting tool, the U-LPQ also is an educational guide intended to assist legal recruiters and law firm recruiting professionals as a "first step" in partner recruiting efforts. We believe it will become a bridge to better cooperation between search firms and law firms with a more standardized approach to communications between the two. If all goes well, the U-LPQ will be operational by the time we convene in Nashville.

Which reminds me: Our upcoming NALSC 2023 Annual Conference is scheduled to take place on Thursday, March 30th (beginning at 3pm CT) through Saturday, April 1st (ending at 10:30am CT) at the Westin Nashville. Early indicators are that we will have record attendance.

We tailor our conferences and symposiums, designing the agendas to reflect member feedback and suggestions. These sessions strive to include audience interaction and practical take-aways. Here's what you can expect in Nashville:

- Keynote "Trends on Movement, Economics and More" with ALM's Editor-in-Chief Gina Passarella
- "Your Story Changes Everything: Talking about Yourself for Meaningful Professional Relationships"
- "A Practice Group Leader's Perspective for Lateral Recruiting"
- "Successful Candidate Interviews"
- "Partner & Associate Recruiting Timelines... What's the Other Side Doing?"
- Breakout: "Strategies for Associate Recruiting"
- Breakout: "Partner Recruiting in 2023 Including the U-LPQ"



## President's Message

by Mitch Satalof

### ABOUT THE AUTHOR:

Mitch Satalof is the President of NALSC. Mitch is also CEO of Juris Placements, Inc.

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- "Reimagining Your Traditional, Non-Traditional, and Digital Sourcing Techniques"
- "The Recruiting Angle – About Integration During the Recruiting Process"
- Variety of Interactive Roundtable Discussion Topics & Town Hall Meeting

In addition, the conference incorporates time to visit sponsors via exhibit booths, reconnect with colleagues, and network with clients. All attending the Nashville event will enjoy the friendly camaraderie over Thursday cocktails, a Hospitality Suite featuring a Nashville musician and line dancing, as well as a reception and dinner at The Country Music Hall of Fame, and more. As do all of our events, we like to combine education with meetups among sponsors, vendors, fellow recruiters, and newer members. We look forward to seeing everyone there!

Our recent NALSC Fall 2022 Symposium at the Washington, DC offices of Hogan Lovells was a great success, attracting over 150 attendees. Testimonials were excellent, such as: *"This year's Symposium was wonderful from beginning to end. It was clear that the members and supporting members were happy to be together in person; the presenters and panelists were smart, dynamic and engaged; the host facility was spacious, comfortable and convenient; the cocktail party was delicious and fun. This organization is clearly well-managed and offers an important service to both independent recruiters and law firms."*

In addition, we've continued to implement numerous other initiatives such as a highly successful and ongoing brand awareness campaign; the formation of a Diversity Equity & Inclusion subcommittee; podcasts assisted by outgoing NALSC Director Scott Love as well as gold sponsor Chambers Associate; quarterly Recruiting Roundtables offering search firm and law firm members the opportunity to connect virtually on similar business models; and NALSC promotional pieces via Chambers Associate blogs.

Later this year we'll return to New York City where Latham & Watkins generously offered to host the upcoming NALSC 2023 Fall Symposium, scheduled for Friday, October 20th from 8am to 7pm ET, in their New York offices. Details to follow shortly, so stay tuned!

Kudos to the NALSC Newsletter Committee chaired by Valerie Fontaine, along with the excellent contributions of Raphael Franze, Cheryl Brown, Natalie Harris, Scott Love, and Kathy Richardson. Their time and dedication in putting together our high-quality informative semi-annual Newsletters is second to none. NALSC's Newsletters are exceptional and extremely well-received and can be accessed through the NALSC website at <https://www.nalsc.org/newsletters/>.

Special thanks to our entire membership who continue to make NALSC the special organization that it is today. It's my privilege and honor to work alongside many of the search firms and law firms that comprise our organization, all of whom play an essential role in NALSC's growth and success.

Finally, we encourage our membership to add the NALSC logo (which you can get from headquarters) to your email signature as mine does, with a line that reads: ***"(This search firm) is a proud member of NALSC and accountable to the NALSC Code of Ethics®."***

Best regards to all, **Mitch Satalof** - President of NALSC®

NALSC's enhanced overall brand awareness campaign has led to a significant bump in membership and sponsorship. The Board and Headquarters are very pleased that this communications-based campaign is yielding such successful results. We will continue to take strategic steps to monitor metrics and broaden our scope to effectively generate an even greater visibility and brand recognition for NALSC.

### New Members

Since our last newsletter (Fall 2022), NALSC is pleased to welcome 32 new members. We currently have 243 members consisting of 186 search firm members, 56 supporting members (law firms), and one associate member (vendor). Following is a list of recent new members and the cities and states in which they are based.

Our new legal search firm members are:

- The Axel Group, Tinton Falls, NJ
- Cypress Recruiting Group, Venice, CA
- Garcia Legal Search, Tampa, FL
- Gravitas Search Partners, New York, NY
- Jackson Lucas - Attorney Recruiting Division, New York, NY
- Key Choice Recruiting LLC, Dallas, TX
- LoneStar Legal Search, LLC, Plano, TX
- Marsden Legal Search, Los Angeles, CA
- Mestel & Company, Chicago, IL
- Munitz Legal Search & Consulting LLC, Bethesda, MD
- North & Power Partners, McLean, VA
- OpusLex Partners, Atlanta, GA
- Placement Counsel LLC, Sarasota, FL
- Plateral, Falmouth, ME
- Project Recruit, East Norwich, NY
- Search360, Lucas, TX
- Shapiro Legal Search, Chicago, IL
- Solutus Legal Search, LLC, Redwood Shores, CA
- Steven Douglas-Attorney Recruiting Division, Huntingdon Valley, PA
- Talent Engines, LLC dba LawCareer, Birmingham, AL
- WestCoast Legal Recruiting, Inc., Spring, TX
- Ziskind Greene & Karr, Nashville, TN

Our new law firm supporting members are:

- Arnall Golden Gregory
- Hanson Bridgett LLP
- Herrick Feinstein LLP
- Jackson Walker LLP
- McCarter & English, LLP
- Offit Kurman
- Quarles & Brady LLP
- Rimom PC
- Sterlington
- Troutman Pepper Hamilton Sanders LLP

As we noted elsewhere in this edition, we look forward to seeing you in Nashville for the Annual Conference. Please use that time to not only engage with industry colleagues whom you already know, but take a moment to also welcome these new members and supporting members.

### Board of Directors

The Board remains at its maximum head count of 13 and currently includes President Mitchell Satalof, VP of Membership Arthur Polott, VP of Long Range Planning Patrick Moya, Secretary Valerie Fontaine, Treasurer Jane Pollard, and Directors Cheryl T. Brown, Avis Caravello, Raphael Franze, Mary Clare Garber, Natalie Harris, Scott T. Love, Kathryn Holt Richardson, and Ross Weil. The Immediate Past President and Emeritus Director is Dan Binstock. Voting currently is underway for

# NALSC Membership Growth

by Arthur Polott, Esq.



### ABOUT THE AUTHOR:

Arthur Polott, Esq. is NALSC's Vice President of Membership. Arthur is also the Owner/Recruiter of Gateway Legal Placements, LLC.

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five open Board seats for 2023. Be sure to cast your ballot by Friday, February 24.

### Committees

Current NALSC Committees include Executive, Nominations, Newsletter, Ethics, Audit/Risk, Governing Documents, Long-Range Strategic Planning, Website/Social Media, Events Prep, and Advisory. For a list of committee members, see <https://www.nalsc.org/committees/>.

A big thanks goes out to everyone who supports our organization. Members, sponsors, event attendees, speakers, committee members, and Board Directors each play an integral role advocating for NALSC and our growth trend. We greatly appreciate you all!

# NALSC Long Range Planning

by Patrick Moya

NALSC's Long Range Planning (LRP) Committee continuously aims to maximize visibility for our organization and deliver the highest quality experience for our members and sponsors. The Committee seeks to boost the reputations and credibility of its members by raising the image of the legal search profession through national public relations as well as providing education and information on trends and issues in the marketplace. As an integral part of event planning, building agendas, virtual programming, and overall marketing efforts, the LRP Committee plays an essential role within the NALSC Community.

Our recent NALSC 2022 Fall Symposium at the Washington DC offices of Hogan Lovells was a tremendous success with approximately 200 registrants and exceptional testimonials. Sessions were dynamic, interesting, and relevant. Receptions buzzed with networking opportunities and a friendly camaraderie among colleagues and friends. We look forward to our upcoming Annual Conference in Nashville where we are expecting record attendance. Also, we are thrilled to return to the Big Apple for our Fall Symposium at the New York offices of Latham & Watkins. The LRP Committee participates in evaluating prior event surveys and establishing future agendas with legal recruiting topics that you, our audience, want to hear. The NALSC 2023 Annual Conference agenda, details and registration can be found at <https://www.nalsc.org/nalsc-2023-annual-conference/>.

In addition, NALSC periodically offers virtual programs throughout the year. These provide content for those seeking up-to-date trends and developments in the world of attorney placement as well as forums for sharing recruiting questions and advice. In "Recruiter Roundtables," members break into affinity groups based on their business practices to discuss specific topics, similar to Mastermind Groups. Recruiter Roundtables are geared towards either search firm attendees or law firm attendees and are broken into four categories: search firm partner placement, search firm associate placement, search firm in-house placement, and law firm (internal) recruitment. All have been very well attended with robust conversations. In fact, one of our most recent sessions attracted more than 70 participants! The LRP Committee continues to schedule Recruiter Roundtables with a variety of moderators and guest speakers, so be sure to stay tuned.

Our public relations campaign targets marketing and branding. We aim to continue promotion of the NALSC brand and the NALSC Code of Ethics® within the legal community, improve membership retention, drive new membership for non-affiliated legal search firms, and increase law firm sponsorships on a nationwide basis. Our digital footprint is expanding with podcasts, testimonials, hosted events, speaking opportunities, advertising, media briefings, blogging, bylined articles, press releases, event marketing, social media promotion, expert commentary, and targeted messaging to key industry leaders. Our PR metrics are extremely encouraging. In only a brief time, this recent outreach yielded record event attendance, 10%+ increase in membership including search firms and law firms, and a considerable bump in inquiries about NALSC.

We once again ask that you, our membership, help us build on this success and continue to invite the best legal recruiting firms and law firms to become members of NALSC. Our members continue to help promote one another by doing great work as outside search consultants and inside law firm recruiters, upholding the NALSC Code of Ethics, educating our mem-



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bership, and spreading the message of NALSC's mission and values.

Many thanks to our Long Range Planning Committee chaired by Cheryl Brown and including committee members Mary Clare Garber, Arthur Polott, Kathy Richardson, Ross Weil, and myself. And, of course, we thank you, our members!



## ANNOUNCEMENT:

# Formation of a NALSC DEI Recruiting Committee

At its last meeting, the NALSC Board of Directors voted to form a Diversity Equity & Inclusion Recruiting Committee. It would be a Committee of the Corporation under Article VII, Section 2 of the NALSC Bylaws, which means that committee participation is open to non-Board members, as well.

The Board invites our membership (both search firm and law firm members) to submit ideas and suggestions regarding the Committee's mission and activities. Please contact Patrick Moya, VP Long Range Planning, at [info@quaerogroup.com](mailto:info@quaerogroup.com) if you wish to volunteer to serve on this new committee or share your ideas.

## EXPERT OPINION:

# One Simple Strategy to Improve Lateral Partner Due Diligence

*Law firms are missing the mark on some critical questions common to every lateral partner questionnaire.*

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As the drumbeat of an economic slowdown permeates the news, law firms will predictably increase due diligence on lateral hires, especially partners.

Regardless of a stronger or slower economy, we all recognize that not all lateral partners work out or deliver as promised. And “as promised” often refers to what the partner estimated would be the portable business and what portion of that business actually followed. While there are certain partners who will knowingly puff their books of business, the reality is that they are in the small minority. Rather, most of the disconnect with regard to this issue appears to be due to the ambiguity of certain terminology used in Lateral Partner Questionnaires (“LPQs”).

By way of brief background, the National Association of Legal Search Consultants (NALSC) has recently embarked on creating a Universal LPQ, which can serve as a model for law firms to follow. The hope is that this will eventually be similar to a Universal College Application, which will dramatically reduce the amount of time partners must spend to complete often seemingly duplicative LPQs.

During the process of creating this Universal LPQ, we approached the process with fresh eyes. One issue that stood out and needs to be addressed: the terms “Originations” and “Collections”—which are often hallmarks of determining whether a law firm finds the lateral a wise investment—are murky. This leads to a wide level of interpretation—and potential inaccuracy—by the partner completing the LPQ.

To help estimate how much business will be portable over the next year or two, firms look to past performance. Many LPQs ask a question to the effect of, “Please provide your originations for the current and past



Tracking which originations will follow a lateral to their new firm doesn't have to be so murky.

two years.” Here’s why this commonly phrased question is problematic and “Origination” can be interpreted a multitude of ways:

- Does it encompass only work the candidate brought in where he or she is the primary relationship partner (“client origination”)? Or is the firm really asking for originations where the candidate was the relationship and matter partner (“client and matter origination”)?
- What about firms that double or triple count origination credit, such that \$500K in new business can be claimed as \$500k credit by multiple partners, which inflates the numbers by 200 to 300%? If a partner claimed \$500k origination for a \$500k matter but it was split three ways, each claiming \$500K, would your firm’s LPQ have a way of knowing this?

*Continued on page 6*

- Does origination encompass work where the candidate co-pitched with another partner (who had the primary business relationship and reviews the bills) but the candidate received half the origination credit? (For a \$5M case, this can result in \$2.5M in origination credit, but if the true business relationship lies with the other partner, that \$2.5M is very unlikely to be portable.)

As we can see, the same partner could have a materially significant different amount of “origination” depending on one’s interpretation of that term and the method the partner’s firm uses to account for that “origination.”

And to make things more confusing, there are a multitude of ways firms define terms such as client originator, matter originator, working partner, billing partner, relationship partner, etc., which can all impact origination credit. There is no common nomenclature for these terms, so it’s not a surprise that terms can be misunderstood and misinterpreted in good faith.

The same issue can arise when addressing the issue of “collections.” So what’s the best way to address these ambiguous terms known as “origination” and “collections”? Here are three strategies:

- Review your LPQ to ensure that every term that could be subject to multiple interpretations is clarified and defined. The best LPQs define their terms clearly.
- Ask a question to the effect of, “What method does your firm use to assign origination credit?” This way there’s also an understanding of how the candidate’s existing firm approaches these terms, and any unintentional misinterpretations can be eliminated.
- When thinking about origination, you are likely to get the most accurate number (in terms of the past being a reflection of portability) if you include work where the partner both (1) has the primary client relationship, and (2) is responsible for reviewing the bills. Taken together, these two factors tend to have the highest correlation of portability.

Of course, there are many exceptions where historic originations do not accurately predict portable business. Some of the most common

include: (1) when the partner is conflicted out of certain work that could be captured at a new firm or (2) the partner’s existing firm does not have certain practice areas or offices in a certain locale that a new firm does which could help capture more work. Another strategy you can employ to better understand the information presented in the LPQ is to have the partner rank, on a scale of 1 to 10 (with 10 being the highest) the likelihood that the particular client will follow. This will lend itself to more fulsome discussions on the clients.

But regardless of the particular circumstances, all firms (and candidates) would benefit from ensuring that key terms such as origination and collections are clearly defined. This helps to ensure that both sides to a potential lateral move enter into the transaction with the same level of expectations which increases the chances of the lateral delivering “as promised,” whether in good times or bad.

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There’s no doubt that moving jobs can be one of the most stressful experiences attorneys can face. It involves multiple spinning plates; they have to constantly be on the look-out for attractive openings, studying these roles with a critical eye, networking and building critical relationships, all while continuing to satisfy demands in their current job. And we haven’t even begun to consider juggling demands at home, as well as planning the logistics of a relocation if they’re moving state or country. So, how can we make the process a little bit easier?

Enter Chambers Associate’s [Career Moves](#) hub – a resource for all attorneys, from those actively looking to make a lateral move, to

*“Our partnership with NALSC opens doors for us to connect with ethical recruiters across US legal markets who are experts in their field.”*

## Chambers Associate Partners with NALSC

By Amy Howe, US Content Lead at Chambers Associate

those who have just started thinking about it. We collaborate with seasoned recruiters and law firms across the US to uncover different legal landscapes, offering attorneys the chance to build their knowledge of the legal market and assess whether a move is the right fit for them. Our resources come in the form of articles and podcasts, so whether the attorney is sitting at a desk doing focused research or reclining on the couch with a cup of coffee, there’s something for everyone.

Chambers Associate has been collaborating with NALSC since the inception of our Career Moves hub back in 2019 to cater to the growing demand for information specifically geared towards lateral associates. Our first article with NALSC explored how to work with legal recruiters, alerting associates to the pitfalls they can encounter through the recruitment process. Since then, we’ve released podcasts with NALSC board member Valerie Fontaine and president Mitch Satalof covering the [seven critical questions all attorneys should ask their recruiters](#) and,

crucially, [how to take your job search by the horns](#).

We've collaborated on articles with NALSC member firms including [Whistler Partners](#), [VOYlegal](#), and [Jowers Vargas](#) on topics such as [lateral-ing from Canada to the US](#), the [emerging market of esports and video-game law](#), and competitive practice areas set to take off in the coming year. These articles look to unearth the nuances of the legal market in different jurisdictions, identify trending practices across states, and share tried-and-tested tips on how associates can get their slice. In addition to interviewing recruiters in preparation for our content, we speak to recent laterals to get their perspective on the process. The third iteration of our competitive practice areas series is set to launch shortly, so keep your eyes peeled!

In a nutshell, our partnership with NALSC opens doors for us to connect with ethical recruiters across US legal markets who are experts in their field. The recruiters we work with are constantly on top of trends affecting legal recruitment in different states and practices, and they share that knowledge with our audience in order to aid them in making the best career decisions possible.

Following last year's NALSC conference in Scottsdale where we met many NALSC members, we compiled a list of trends affecting legal recruitment in 2022. We're looking forward to attending this year's conference in Nashville as gold sponsors, where we hope to reconnect with old friends, meet some new ones, and find out what top trends are affecting legal recruitment this year. See you there!

#### ABOUT THE AUTHOR:

As US Content Lead for the Chambers Associate publication, Amy Howe works with recruiters and law firms to identify trends across the US legal landscape to curate insightful content for associates planning their next career move.



## How to Become a Thought Leader

By Valerie Fontaine, Esq.

One way to raise your firm's profile or build your individual professional brand is through thought leadership—public speaking, presenting webinars, podcasting, writing for publication (online or print), blogging, and participating in social media. These activities increase visibility, develop credibility, demonstrate expertise, and plant seeds for attracting direct client and candidate contacts as well as increasing referrals. You and your firm want to be known, easily found, and top of mind by standing out from the competition.

An added bonus is that, as you prepare each piece for posting, publication, or presentation, you get further educated on the subject and clarify the issues in your mind—further building your expertise.

While there are significant benefits to you and your firm, the underlying purpose for every piece is to provide value to your audiences by imparting helpful, useable information on subjects that interest and concern them. You cannot be all things to all people and, although you want broad exposure, you don't want to spread yourself too thin. You need to target your efforts and develop thought leadership in specific, identifiable niches.

#### Audience

First, define your audience or audiences. Who are you trying to reach? Past, present, and prospective clients and candidates? A new industry sector? Get specific.

As legal search consultants at SeltzerFontaine LLC, for example, our target audiences are:

- Prospective candidates: lawyers, job seekers, and women/diversity job seekers specifically, as DEI is important to us and our clients;
- Prospective clients: law firms, in-house counsel, law firm recruiting professionals, in-house recruiting personnel, hiring partners, managing partners, other hiring authorities;
- Both prospective candidates and clients: State and local Bar associations, other legal industry and related trade organizations, alumni associations;
- Pipeline: law students, pre-law students, law school career services, career services personnel in other institutions of higher education; and
- Referrals and split deal/joint venture sources: other legal recruiters, career coaches, and related consultants.

#### Content

The next step is to determine content themes or general subject areas for your speeches, publications, and social media engagement. What would be of value to your defined audiences? What interests you? You'll be more effective in consistently and diligently researching, developing expertise, and presenting your knowledge if you're fascinated by the subject.

For instance, at SeltzerFontaine LLC, our content generally revolves around the following themes:

- Job search and recruiting tips, career development, and topics applicable to the legal industry and in the broader marketplace;
- Trends in the legal profession;



- Women/diversity issues in the legal profession or the workplace generally; plus
- A few holiday-related posts and some highlights of our more interesting search assignments for variety.

### Social media

Focus! Stick to business (but be personable and approachable) and concentrate on only one or two social media channels to maximize your efforts and manage your time.

For professionals, LinkedIn is the primary social media channel. ABA's 2022 statistics show that the most popular site for law firm marketing purposes is LinkedIn (45%), followed by Facebook (31%), and Twitter (15%). Approximately 81% lawyers maintain a presence on social media for professional purposes. Of those, 95% are on LinkedIn, with only 29% on Facebook professionally, followed by Twitter (17%), and Instagram (13%). Therefore, it might be the best use of your time and effort to establish a strong presence on LinkedIn first and expand to other social media platforms later, if at all.

Create both an individual and a company page and fill them out fully. For how-to tips, you can find social media experts on LinkedIn—of course! Follow them and learn.

In addition to consistently posting new content, periodically pop online to like, comment, and share relevant posts by others. Even without creating and posting new content of your own, these activities alone make you more visible and amplifies the reach of other content posters—with the hopes they'll do the same for you and your posts. Connect with and follow others who may be useful sources for you and whose posts you find interesting and thought-provoking. Furthermore, in everything you do online, stick to your content themes and avoid anything controversial.

You can designate one person in your firm to handle social media duties to promote your firm's regular online presence. To lighten the load, solicit post ideas from everyone and ask colleagues to "guest write" posts, as well.

Don't get discouraged by low engagement numbers – you probably have a much larger "ghost audience" than you thought (people who read your posts but don't engage for a variety of reasons). We're constantly surprised by people who tell us they read our posts religiously but never leave a clue.

*"While there are significant benefits to you and your firm, the underlying purpose for every piece is to provide value to your audiences by imparting helpful, useable information on subjects that interest and concern them."*

*"Becoming a thought leader requires consistent effort and builds over time—but it pays off."*

### Results

Becoming a thought leader requires consistent effort and builds over time—but it pays off. We now are contacted regularly by potential candidates and, just recently, were contacted through LinkedIn by two companies to fill high level in-house positions. Recruiters across the country refer candidates and request to joint venture with us on searches because they know our name and, on the basis of what we've written and posted, are confident that we know the marketplace. Reporters reach out to us for quotes and information when writing their stories, which further bolsters our reputations as experts.

You can do it, too! To get started, you might consider "public speaking" at a NALSC event. You can send your suggested (and relevant) speaker topic to HQ at [info@nalsc.org](mailto:info@nalsc.org). If you'd like to publish an article in this newsletter, send your idea either to HQ or to [vfontaine@seltzerfontaine.com](mailto:vfontaine@seltzerfontaine.com).

Keep working at it and your efforts will reap rewards.

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## NALSC is Making a Splash!

by Scott T. Love

NALSC continues to enhance its value to its members, including greater educational opportunities and increased brand awareness in the broader legal community, through two podcast series and its social media initiatives.

### Listen up!

Our podcasts include the latest information for our legal recruiting industry. There's no substitute for continuing to learn from the best—our NALSC colleagues and friends.

"Recruiter Stories" is the official podcast of NALSC. NALSC President Mitch Satalof and I conduct interviews as well as facilitate these exciting and informative podcasts. Gold sponsor Chambers Associate generously hosts another series for NALSC and our niche industry, as well. You can access the all new episodes (and previous podcasts) for both series via <https://www.nalsc.org/podcasts/>.

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## California's New Pay Transparency Law: What Recruiters Need to Know

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

Last month, California's new pay transparency law—Senate Bill 1162—went into effect (the "Law"). This new Law further expands what pay scale information California employers must provide to applicants and employees. The most relevant changes for recruiters and candidates are that the Law requires certain employers to (1) include salary or hourly wage scale on their job postings (internally and externally), and (2) upon request, provide to current employees the pay scale for the position in which they are currently employed.

This Law will have far reaching effects for all parties involved, including recruiters, employers, employees, and applicants. It is important to keep in mind that California is not alone in making these changes, and it is likely that other states will follow its lead. Indeed, Colorado, Washington, and New York City have already enacted similar laws, followed by the State of New York. Recruiters operating in any of these jurisdictions should familiarize themselves with the pay scale disclosure requirements because each state's law is different.

Anticipating these changes, in California and elsewhere, and considering how they will impact the recruitment process is critical. This article discusses key considerations to assist recruiters with getting up to speed on these new developments and navigating this new landscape.

### What does the new Law require?

Previously, California law required employers to provide pay scale information to an applicant after receiving a reasonable request. Under the new Law, employers with 15 employees or more are required to include pay scale information in their job postings. This job postings requirement also extends to any third parties, such as recruiters, used by employers to fill their job openings. While the pay scale information must be listed in the job posting, the Law does not prohibit the employer and applicant from negotiating or prohibit employers from offering a higher salary than the range provided in the job listing, so long as there is an objective reasoning for the exception.

The new Law defines several key terms of which employers and recruiters should be aware:

*"This Law will have far reaching effects for all parties involved, including recruiters, employers, employees, and applicants. It is important to keep in mind that California is not alone in making these changes."*

- ◇ "Applicant" or "applicant for employment" means an individual who is seeking employment with the employer and is not currently employed with that employer in any capacity or position.
- ◇ "Pay scale" is defined by the law to include "salary or hourly wage range that the employer reasonably expects to pay for the position." The Labor Commissioner has clarified that "pay scale" does not include bonuses, commissions, tips, or other benefits.
- ◇ The Law also requires employers to share pay scale information with current employees—for the position in which the employee is currently employed—upon request.
- ◇ The Law defines an "employee" as an "individual on an employer's payroll, including a part-time individual, and for whom the employer is required to withhold federal social security taxes from that individual's wages." Associate and

counsel positions generally would fall within this definition. With regard to non-equity partners, the analysis is more complicated. It depends on how the law firm is structured from a tax perspective. For example, some law firms issue K-1s to their non-equity partners, while others issue W-2s. Recruiters will need to discuss the specifics with a firm when hired to fill a non-equity partner position to determine if pay scale information is needed. Filling “contract” positions also presents a unique situation that should be discussed with law firms.

- ◇ Failure to provide the required pay scale information, in job postings or in response to an employee’s request, exposes companies to civil actions and monetary penalties of up to \$10,000 per violation.
- ◇ The Law also reaffirms that employers may not (1) ask applicants for salary history information, or (2) rely on an applicant’s historical salary in determining whether to offer employment to an applicant or in offering a salary.

### What remains unclear under the new law?

The new Law leaves open several important questions as to its interpretation. First, the law does not purport to limit its applicability to those employers based in California. Thus, it remains unclear as to whether employers operating outside of California, but who may have employees working remotely in California, are subject to its provisions. Second, it is ambiguous as to whether the pay scale disclosure requirements relate to job postings for California employers with remote workers outside of California. Third, it does not appear that the Law intends to impose liability on recruiters for a firm’s failure to comply with the wage posting requirement because the Law only mentions civil penalties against employers.

Nonetheless, recruiters need to be aware of the Law’s requirements and tread carefully. The Law specifically states that third parties (i.e. recruiters) “**shall** include pay scale [information] in the job posting.” Given the lack of clarity and agency guidance with regard to these issues and others, it is critical for recruiters to (1) be familiar with this Law (and similar laws elsewhere) and (2) discuss the pay scale disclosure requirements with firms if he or she is concerned that a posting may be subject to disclosure requirements and such information has not been provided.

### How will the Law impact candidates?

Salary information is invariably one of the most important pieces of information a candidate will receive when deciding whether to change jobs. The new Law should streamline matters considering it provides candidates with this critical decision-making information at the very beginning of the process—in the job posting. Including salary information early on in the process allows candidates to be more purposeful in the firms they choose to apply to and better adjust their expectations and salary preferences.

### How will the Law impact recruiters?

This publicly available salary information also provides an opportunity for recruiters to collect salary data in advance of working with a candidate. While this may mean more work on the front end, preparing and analyzing this information in the beginning of the recruitment process will allow recruiters and candidates to better target prospective firms and move through the process more efficiently.

The other aspect of the Law, which allows current employees the right

to view salary information for their current position, may also result in recruitment opportunities. Employees on the low range of the pay scale may choose to seek employment elsewhere. So may employees on the high end of the scale, who may realize there is little room for growth at their current firm. Inquiring with California attorneys about whether they have requested and/or are aware of the salary details at their firm should be considered.

But the new Law also means that recruiters need to be aware of when a job posting must include pay scale information. If a recruiter receives a posting from a firm with whom it has contracted that does not include the requisite pay scale information, the recruiter should immediately bring this to the firm’s attention.

### Takeaways

The Law will undoubtedly impact recruiting in the California legal market. How much lateral activity the Law sparks and how the Law will impact the negotiation process remains to be seen, especially with regard to firms that previously have had closed compensation systems. But what is clear is that more information will be available to recruiters (and candidates) earlier on in the process.

As part of their best practices, recruiters should familiarize themselves with the pay disclosure laws and their requirements in California and elsewhere to make certain that any job postings the recruiter is trying to fill on behalf of a firm is in compliance with any applicable laws. With regard to firms with offices in multiple states where these laws exist, the firms should draft a job posting template that complies with the most stringent requirements of these various statutes and use that job posting template as the firm’s “standard” across the country when posting for a new position to ensure compliance.

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# COMMENTARY: Are You Being Underpaid as a Law Firm Partner?

*A common reason that many law firm partners decide to look for a new firm is because they think they are being underpaid, yet partners often lack a full understanding of how their law firm determines compensation.*

By Patrick Moya

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A common reason that many law firm partners decide to look for a new firm is because they think they are being underpaid, yet partners often lack a full understanding of how their law firm determines compensation.

Here, we hope to provide some clarity if you have never been on a compensation committee and want to be able to make an informed analysis, rather than an emotional one, when it comes to evaluating your current compensation and whether or not your abilities and effort are valued in such a way that allows you to maximize your earnings at your current law firm.

In order to fully evaluate your situation, it's important to understand the type of compensation system your law firm has in place and what you can do as a partner to reach your highest potential compensation within its framework.

Managing your practice to be its own strong profit center will position you to make more money within the most common compensation systems, and will give you negotiating power, whether it's with your current firm or a firm that offers a compensation system that makes more sense for you and your practice.

Keep in mind that all partner compensation systems boil down to business generation and profitability. The more you contribute to these metrics, the more likely you are to reach a mutually satisfactory compensation number. To better equip yourself for critical compensation conversations throughout your career, use the following information as a resource in evaluating your current system, your value within it, and the impact both your firm's, and your individual profitability, have on your pay.

## How Does Law Firm Partner Compensation Work Under Various Comp Systems?

Law firm compensation systems are either open or closed in terms of whether partners know how much other partners are earning and why. Interestingly, many attorneys claim that they prefer an open, transparent compensation system, but as Blane P. Prescott of MesaFive LLC noted in an article in *The American Lawyer* in 2018, the data shows that transparency doesn't guarantee happiness.

There are advantages and disadvantages to each, and you may find that you prefer one to the other for a variety of reasons. Beyond the distinction of open and closed systems, Prescott described in a presentation given at the 2022 Annual NALSC Conference, there are four basic partner compensation systems in place at law firms today:

- **Parity** – This is a simple system, where every partner is paid equally, regardless of performance, contribution, tenure, or merit. The issue with this system and the reason it is incredibly rare, is that the equal nature of it rarely translates into fairness.
- **Lockstep** – This is another simple, and rare system, where the firm pays at preset compensation levels and partners advance

automatically based on tenure, with no exceptions, and all partners eventually plateau at the same compensation level. Variations of this system, referred to as modified lockstep, are more common than a true lockstep model and can include variables such as merit-based advancement, stall points based on unmet performance metrics, bonus components, and super levels for top performers that can impact total compensation.

- **Formulaic** – In this system, a math formula calculates each partner's compensation, and while it is more common than parity or lockstep, it is still quite rare within the AmLaw 200, and more common in mid-sized and smaller firms. Formulaic systems are objective and harder to manipulate, however, when partners make contributions that fall outside the factors that are worked into the formula, it can leave them feeling undervalued as well.
- **Subjective** – The most common compensation system found in more than 90% of AmLaw 200 firms is a subjective system that assesses performance and assigns compensation through a close look at data rather than a blind adherence to it. There is tremendous variation among subjective systems, but great ones commonly have clearly defined criteria, offer predictability, are administered by communicative leaders, reward widely held definitions of merit, and manage the partnership's expectations.

Since the majority of you are working within subjective systems that's where we'll focus. In subjective systems, partners generally earn varying credit based on their rates, leverage (usually associate), realization rates, the nature/profitability of their work, the role they play in matters, and the firm's financial metrics including revenue per lawyer, profits per lawyer, and overall profitability. Compensation committees will look at these criteria, among other factors that the firm values, such as collaboration, firm involvement and contributions, pro bono efforts, etc. to set each partner's final compensation.

*“Well-managed, highly profitable firms generally have partners that understand how to assign work and minimize external costs in ways that produce high-quality results for clients, while also generating strong profit margins. To the best of your ability, strive for that standard.”*

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Speaking with an experienced legal search consultant can be incredibly valuable during this evaluation as they will go through the metrics of your practice in relation to the system in place at your current firm and provide an analysis of the compensation range you should expect at your existing firm in comparison to other platforms in the market. The reason is the subjective portion of these compensation systems is allocated differently from firm to firm, based on its culture and values, and your law firm may not compensate you to your full earning potential based on its objectives. And, a good headhunter will know the ins and outs of various firms in the market.

Note that one of the most considerable factors in this analysis is how credit is assigned based on the role a partner plays in the matters that generate the firm's revenue. The most common approach is often referred to as the "Finder – Minder – Grinder Model" under which the Finder is the originating attorney (sometimes, referred to as a rainmaker), the Minder is the attorney who opens and helps manage the matter (and the team on the matter), and the Grinder is any attorney (or timekeeper) billing on the matter. Finders typically get significant credit for bringing in new clients and expanding work with noninstitutional clients, and rarely institutional clients. Minders are often more junior partners who are subject matter experts on various aspects of the matter and there may be multiple Minders on a matter from various practice areas or industry groups. In the case of institutional client matters, a larger portion of credit may be directed to the Minder(s) because a true Finder may no longer be with the firm or play a significant role in the client relationship. Finally, Grinders are attorneys at all levels doing most of the work and billing on a matter, and in leveraged firms, grinders are often associates, counsels, and non-equity partners. In any matter, the same attorney may act in a combination of roles and will therefore get credit in more than one category.

#### **How Does a Law Firm's Profitability Factor into a Partner's Compensation?**

It's not a novel concept that the overall profitability of a firm is a determining factor in partner compensation. There are factors that impact a firm's profitability that may be outside each attorney's control.

For instance, firms with many offices in expensive real estate markets or those that pay associates very high salaries could be less profitable and in turn, partner compensation may not be as competitive. When assessing how your firm stacks up, a good indicator of a firm's profitability and how it translates into compensation is the profit per equity partner figure (calculated by dividing the firm profits by its number of equity partners) reported on The American Lawyer's annual AmLaw 100 and AmLaw 200 lists. However, individual attorneys can and do impact profitability and the following four factors can be leveraged when it comes time to negotiate pay: making the firm money, saving the firm money, improving efficiencies within the firm, and helping to keep the firm compliant.

In terms of making your firm money, business generation is always king. Whether it's finding new clients or winning new work with existing firm clients, your ability to bring in revenue will be paramount. Make sure you're taking time for business development and managing client relationships in a manner that leads to spinning off profitable work for yourself and other practice groups, when possible. I was once told that an equity partner generates for themselves and others, and a non-equity partner generates for themselves and less than one other attorney, to create profitable law firms, and I believe this holds true.

From a money-saving and efficiency standpoint, the way in which

work is assigned, billed, and collected will impact the profitability of the firm. Profitability is also determined in part by the number of attorneys servicing a matter, the rate on that client/matter, the complexity and overall billing time necessary, specialist/expert costs, among many other factors.

Well-managed, highly profitable firms generally have partners that understand how to assign work and minimize external costs in ways that produce high-quality results for clients, while also generating strong profit margins. To the best of your ability, strive for that standard. Of course, certain client matters tend to be more profitable than others and the nature of work a partner does certainly impacts the profitability of their practice, which is an aspect of compensation that you can continue to improve, giving you more power when compensation decisions are being made.

#### **Are You Maximizing Your Compensation Potential at Your Current Firm?**

Ultimately, before you leave your firm, make sure you understand how pay is calculated and how you may be able to improve your compensation based on the factors discussed above. While parity, lockstep, and formulaic systems are all fairly straightforward, subjective systems can be very complicated and difficult to calculate.

Even with the information above and an understanding of the factors used at your firm to determine compensation, you may still find yourself unclear about what you consider fair. This can be especially true if you have generally been under the impression that your compensation should track at one third of your book of business; a figure historically used as a benchmark in the industry. A conversation with a trusted headhunter can offer valuable insights and advice concerning both your current scenario and possible alternatives in the market.

If you conclude that you aren't being paid fairly, or better stated, at your full potential, and a different firm's model would be more suitable, they can help ensure that a move is a good fit in terms of compensation and other comprehensive factors in lateral movement, so a transition is as successful as possible. And perhaps most important, they can help you clarify expectations with the chosen firm before joining so you don't encounter a similar problem in the future.

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# Is It An Ethics Question or a Business Judgment Question?

by Avis Caravello, Esq., Ethics Committee Chair

As NALSC Ethics Chair, I, along with the Ethics Committee, Mitch Satalof, Jane Pollard, Scott Love, and Arthur Polott, serve to uphold the NALSC Code of Ethics and help our members navigate its provisions, and application in recruiting best practices. My tenure as NALSC Ethics Chair is terming out in April. To that end, I wanted to share my observations and what I have learned about our membership since assuming this role.

Most notably, I learned that being a member of NALSC is taken very seriously by our members. NALSC members place ethical recruiting as fundamental to their business model and practices. I wish that our law firm clients, corporate clients, and candidates could have the front row seat I'm honored to have to observe our members in action, often grappling with the most minute details of their business practices to be assured that they are recruiting according to the NALSC Code of Ethics.

Most of the inquiries I've received from our membership fall into two categories, Code of Ethics questions and business judgment questions.

## Ethics Questions

The Code of Ethics inquiries I've received from member search firms generally focus on confirmation that the search firm member's interpretation of the Code is correct. For example, I'm frequently asked if it is permissible under the Code to place a candidate if the search firm member placed that candidate at their current firm and the candidate subsequently reaches out to the search firm member about placement again. The search firm member often begins the conversation by saying, "I think this is permissible under the Code, but I wanted to make sure."

Solicitation is addressed in Article I, Section 5, of the NALSC Code of Ethics, which states: *No search firm shall solicit a candidate it has placed while that candidate remains with the employer that paid the recruiting fee.* If the candidate contacts the search firm about placement, it is not solicitation and is permissible under the Code to represent the candidate again. Your outreach to me about this topic underscores that our membership has a solid understanding of the Code and how it comes into play in everyday practice.

## Business Judgment Questions

Another common ethics question concerns candidate submissions. Article I, Section 3, states: *Candidates shall be submitted only (i) with prior authorization of the employer or (ii) where the search firm, based on*

*"NALSC members place ethical recruiting as fundamental to their business model and practices."*

*previous direct communication with the employer, reasonably believes the employer would accept the submission.* The ethics question I'm asked most frequently by members relating to this topic is more of a business judgment question. For example, the search firm member has a great candidate, but the search firm does not have a job order or a recent direct communication with the employer about an open position. While the search firm member knows it would be a violation to submit a candidate without a reasonable belief the employer would accept the submission, they reach out to seek guidance on how to make the employer aware of the candidate.

This type of question lends itself more to business judgment than ethics. I encourage the caller to have direct communication with the employer. If one is not sure if an employer might have an interest in a candidate, the search firm member should absolutely call the employer and ask. Direct communication with an employer fosters the bond that is fundamental to building the recruiter/client relationship.

What I hope law firm and corporate clients recognize about our membership is that we place adherence to the Code first and foremost. It is at the heart of what puts our membership in a league apart. It is this commitment to do the right thing for the client and for the candidate that defines who we are. And for that I'm proud to be a NALSC member. I look forward to continuing to support NALSC as it evolves and standardizes best practices in legal recruiting.

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## THE RECRUITER'S BOOKSHELF

### *Superforecasting - The Art and Science of Prediction*

by Philip E. Tetlock & Dan Gardner

Article by Raphael Franze, Esq.

During the keynote of the 2022 NALSC Symposium in Washington, DC, *Entrepreneur* Magazine editor-in-chief Jason Feifer presented on the subject of change and, specifically, adapting to change and seeing it as opportunity. In his presentation, Feifer discussed the importance of processing and working with the circumstances that are coming next; in doing so, he referenced a company called Good Judgment, Inc. and the

"Superforecasters" who are tasked with helping their clients see the future sooner.

*Superforecasting - The Art and Science of Prediction* is the story of identifying these Superforecasters and the commonly held traits and practices that make them so (many of which, in my opinion, can be readily applied

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to a recruiter's practice).

### A case study

One of the key flashpoints cited in *Superforecasting* is the 2003 Iraq War and the forecasts pertaining to stockpiles of weapons of mass destruction (WMD) allegedly hidden in Iraq by the Saddam Hussein regime that prompted the invasion. While reports generated throughout the US government expressed the existence of such stockpiles as a virtual certainty, the stockpiles never were discovered and ultimately were deemed not to have existed. The US Intelligence Community (IC), particularly, was put under a microscope over this as it never seriously explored the notion that it could be wrong on this issue (with no one of note even proposing a view closer to the one we now believe true).

While the IC's decisions ultimately were deemed sincere and reasonable given the circumstances at the time, it also was revealed that performance of its analysts was assessed predominantly on their adherence to process as set forth by the IC. Accuracy of their forecasts, on the other hand, never was systemically assessed; had they been leading up to 2003, perhaps the resulting forecasts (even if they viewed the existence of WMD stockpiles as more likely than not) may not have been so extreme as to justify the decision to go to war.

### A solution

In the years following this debacle, the IC's leadership looked inward and took major steps to ensure that its many agencies operated more effectively. In doing so, the IC adopted more of an evidence-based approach, similar to that used in modern medicine, in assessing its forecasting practices.

By 2011, the IC began holding annual forecasting tournaments with the end goal to "dramatically enhance the accuracy, precision, and timeliness of intelligence forecasts for a broad range of event types, through the development of advanced techniques that elicit, weigh, and combine the judgments of many intelligence analysts." The tournament teams included various control groups consisting of geopolitical subject matter experts (some of whom had access to classified information) as well as talented amateurs. The Good Judgment Project ("GJP") team – of which Good Judgment, Inc. is a spin-off – consisted exclusively of such amateurs.

In the first year that GJP took part in these tournaments, its group of forecasters (who were selected from a broad range of applicants and trained in enhancing their foresight) emerged victorious over the other groups of participants (including those consisting of professional intelligence analysts with access to classified data). In the subsequent four years that GJP took part in these tournaments, their margin of victory only grew as GJP increasingly invested its efforts on its Superforecasters who emerged as the top 2% of its participants.

### The lessons

In observing and testing these Superforecasters, Tetlock and Gardner found three common traits that set them apart: pattern recognition, active open-mindedness (basically, the ability to identify and set aside personal biases), and cognitive reflection (in other words, not being over-confident). While the rest of us may be deficient in any or all three of these traits presently, the good news is that the authors believe these

habits of thought can be learned and cultivated by any intelligent, thoughtful, and determined person. Furthermore, just as these traits and the processes borne from them (as described below) proved helpful for the IC's forecasting purposes, they easily can be applied to a legal recruiting practice for similar effect.

The first step to making an accurate prediction is breaking down the seemingly intractable question you're trying to answer with several related questions that are easier to address. (This technique is commonly referred to as Fermi-style thinking, named after the Italian physicist Enrico Fermi). For instance, if a political scientist is asked to predict a presidential election between an incumbent and a challenger eight months out, an easier question to tackle first is how often incumbents are successful at being reelected. This is known as taking the outside view and enables the person addressing the initial question to both avoid cognitive biases and identify the underlying likelihood of an event occurring (also referred to as a "base rate").

### Application to recruiting

In my own corporate associate-focused recruiting practice, the ultimate question I attempt to answer is a consistent one: How likely am I to place this corporate associate prospect for a standard recruiting fee within their desired timeline? To arrive at a base rate, there are two simpler questions I attempt to answer:

1. Has the prospect engaged another recruiter or already vetted the job market on their own; and
2. How often has this sort of prospect been laterally hired by fee-paying firms in the targeted geographic market.

The inquiry about other recruiting efforts often proves decisive for me, as an affirmative response has the potential to render an otherwise ideal prospect untouchable, especially in the near term. The trait of pattern recognition comes in handy for the second question as modern recruiting resources provide intel about the previous employment and educational prestige and performance of a law firm's recent hires, thus providing insight into the hiring standards of specific practices within law firms as well as a particular legal community at large.

While there are other pertinent questions worth addressing (such as general economic conditions, the current number of applicable job listings, the prospect's timeline for making

a move and my own capacity to represent the prospect in accordance with that timeline, etc.), they generally are less impactful than the aforementioned two and are useful more for adjustment purposes than providing an initial baseline.

### Refining the analysis

One of the key takeaways from the review of intelligence failures pertaining to WMD stockpiles in Iraq related to the vague verbiage used (and culturally accepted) at the time by the IC to express probability. This ultimately led key decisionmakers to interpret these findings to fit a desired narrative. While analysts within the IC had been reluctant to provide numeric probabilities for fear of being held accountable if wrong, the IC since embarked on a culture shift and enacted new policies centered around more specific forecasting.

*"In observing and testing these Superforecasters, Tetlock and Gardner found three common traits that set them apart: pattern recognition, active open-mindedness (basically, the ability to identify and set aside personal biases), and cognitive reflection (in other words, not being over-confident)."*



As recruiters go about their processes, it would serve them well to use numerical probabilities over vague verbiage for the sake of precisely assessing a prospect's likelihood for placement. This can help in tempering and communicating about a prospect's expectations for success in the marketplace.

Once recruiters approach their estimations for success in this manner, a more honest and accurate assessment of their performance can be conducted in hindsight. Much like meteorologists apply a percentage to the likelihood of rain and can look back to see if their "70% chance of rain" forecasts indeed came to fruition 7 out of 10 times, recruiters can look back at their numeric probabilities over time to see if their collective forecasts align closely with their actual placement rates. If there is a sizable discrepancy between the two numbers, it may indicate the recruiters' perceptions are not aligning closely with reality. Fortunately, such analysis can help flesh out where a recruiter's approach might be flawed & help them rectify the issue.

In addressing such flawed perception, the authors cite the work of philosopher Isaiah Berlin in *The Hedgehog and the Fox* in highlighting that a "hedgehog's mentality" (where perceptions are filtered through a singular philosophy that is stubbornly adhered to) was inferior to a "fox's mentality" (where uncertainty is welcome and new ideas are considered) for the

purposes of developing into a successful forecaster. We all exist along the spectrum between these two extremes and can endeavor towards identifying more as a fox if we so choose.

In conclusion, *Superforecasting* articulates that there is uncertainty everywhere that can be quantified, and we can quantify more than we thought and with more precision than we knew. By viewing their practices with this understanding, legal recruiters (as well as recruiters across all industries) can make wiser decisions and more accurate estimations leading to greater placement success.

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## Connecting Attorneys with Their 'Why' Through Virtual Law Firms

by John Lively, Esq.

Why do people become attorneys? Why are they involved in the practice of law? Most attorneys join the legal industry to help people while solving complex problems that benefit clients in their greatest time of need. Very rarely, if ever, do they say they started their legal career wanting to max out their billable hours and spend years climbing the hierarchy of a law firm.

So why are today's attorneys frequently detached from the reason they started law in the first place? Most are working the grind, experiencing long nights and weekends, knowing their professional self-worth is being measured by a number; that number being billable hours.

It's crazy. It's not sustainable and burnout is inevitable, especially because it deviates so far from why they wanted to practice law in the first place. Treating attorneys like actual people by giving them autonomy to practice law in the ways they know work for their clients is what virtual law firms offer.

#### What is a virtual law firm?

A virtual firm allows attorneys to reconnect with the part they actually like about being a lawyer - practicing law. The technical component that separates a virtual firm from a traditional one is that an attorney's entire practice can be accessed with a laptop, allowing them to work with clients from anywhere in the world. The strategic use of technology supports attorneys and the administrative work behind being a lawyer which allows for a virtual law firm to operate in parallel capacity to a traditional firm.

Virtual firms usually are cloud-based so attorneys can access files, communicate with clients, and research from anywhere. These firms use best-in-breed software and automation to help with billing, financial management, reporting, risk management, and client information. Wherever the attorney goes, so does their practice. It's where innovation meets law, resulting in more optimized firm management than ever before.

At its core, modern firms are more about providing attorneys with the autonomy they need to practice law at their best than anything else. Not hav-

*"A virtual firm allows attorneys to reconnect with the part they actually like about being a lawyer - practicing law."*

*"This modern way of working is here to stay, which means virtual law firms are no longer an unexpected choice for attorneys."*

ing a centralized office is just a small part of how attorneys take back control. Attorneys can practice their trade at a very high level and deliver those services in a more streamlined and efficient way. Helping lawyers realize that there is a way to get control of their lives and still deliver those services is what virtual law firms offer lateral transfers.

#### Who Joins Virtual Firms?

Most attorneys who work at virtual law firms are innovative, tech savvy (or very eager to become tech savvy), and entrepreneurial. They recognize that practicing law can be in their control - that there's a different way. Virtual firms give attorneys the opportunity to increase their take home pay, implement alternative fee arrangements, collaborate with other attorneys across time zones (and even continents), work when and where they are most productive, and still have a personal life.

In addition to the technical and monetary benefits, having a culture with colleagues who also are early adopters of the virtual law firm model makes a drastic difference in attorneys' daily lives. While there may not be the traditional water cooler chats, you can have virtual happy hours or a quick coffee together at the click of a button.

The virtual environment allows attorneys the space to have focused time by setting their calendars to 'busy' while making it easy to connect with each other without the headache of booking a conference room. Constant disruptions throughout the day become a thing of the past, leading to a culture where people choose to and want to collaborate with colleagues rather than feel forced into small talk.

This modern way of working is here to stay, which means virtual law firms are no longer an unexpected choice for attorneys. Over 1,000 attorneys work in office-free law firms in the US, and that number continues to rise. Virtual law firms are growing at exponential rates because attorneys are reconnecting with the passion they have for practicing law while elevating their clients' experience.

### Our Why

At Practus, our why behind launching a virtual firm in 2018 was to create happier attorneys - attorneys who are excited to practice law and embrace the future of the legal industry. Based on feedback from our clients and our attorneys, happier attorneys produce better work product and forge better attorney-client relationships every step of the way.

Ask your candidates, "What is your why?" "Does your current firm allow

In this installment of the NALSC Member Profile, we're putting the spotlight on longtime member (and recent addition to our Board of Directors) Ross Weil. If you haven't had the pleasure of engaging with Ross at our conferences and symposia over the years, then you may nonetheless have gotten acquainted with him as an entertaining guest on the inaugural episode of the NALSC podcast Recruiter Stories. Based in the New York City area, Ross is a Partner at Walker Associates where he focuses his practice on partner and group searches.

The son of a recruiter and a child psychologist, Ross' journey to legal recruiting was a circuitous one as he initially began his career in 2002 with an accounting degree from American University. After spending his first four years after college with American Express and Deloitte working in Senior Accountant roles, Ross quickly grew tired of the deadlines and Excel spreadsheets and generally found the work boring and tedious. Not unlike some of the "recovering attorneys" in NALSC who found their legal careers boring and tedious (the author of this article included), Ross' entree into the recruiting world was through the industry he knew best as he joined Walker Associates to help build out their accounting niche. It was here that Ross would meet Keith Fall, another young re-

*"After all these years in the business, Ross still enjoys helping his candidates embark upon the interview process as well as the good feelings and resulting momentum that comes from initial positive feedback on both sides."*

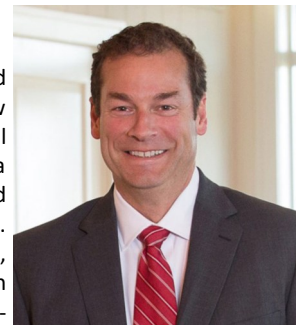
cruiter who would play a very consequential role throughout the course of Ross' recruiting career.

While Ross quickly found success recruiting accounting partners, the nature of the annual accounting calendar resulted in a lack of search assignments during the first four months of every calendar year. Three years into his recruiting career, Ross took an assignment

you to connect with your why behind practicing law?" If the answer is no, encourage them to consider looking for a firm that creates a bridge between their why and their legal career instead of putting up barriers between the two.

While virtual law firms may not be for every lawyer, they offer an innovative solution for those looking to do things differently and reclaim their practice. Including virtual law firms in your client roster provides you with a wider variety of alternatives for your candidates, thereby helping you make more—and better—placements.

John Lively, Esq. is Managing Partner and Founder of Practus LLP, a modern virtual law firm that has experienced exponential growth since launching in 2018. He's on a mission to change the practice of law and show the industry there is a different way. Lawyers can be in control over their practice, have a personal life, and enjoy being an attorney again. For more information, contact our VP of Recruiting and NALSC sponsor: Stephanie Recupero, at [Stephanie.Recupero@practus.com](mailto:Stephanie.Recupero@practus.com).



## Member Profile: Ross Weil

Partner  
Walker Associates

By Raphael Franze



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during this period for an in-house trusts and estates attorney - this opened his eyes to the legal profession, with its frequent lateral movement and lack of non-compete agreements. Moreover, his local market of New York City was the world-wide hub for legal talent. Within a year and after careful consideration, both Ross and Keith committed their recruiting practices solely to the placement of attorneys. Ross and Keith would later assume the helm at Walker Associates, having transformed it into the respected legal recruiting brand that it remains to this day.

Over the course of his legal recruiting career, Ross' practice has evolved to focus on strategic assignments for repeat clients while helping select partners and groups upgrade their respective platforms. After all these years in the business, Ross still enjoys helping his candidates embark upon the interview process as well as the good feelings and resulting momentum that comes from initial positive feedback on both sides. When he's faced with the inevitable disappointments that come with being a recruiter, Ross makes sure to remain grateful for the many successes he's otherwise had while staying proactive and getting right back on the phone (an approach he finds useful during the best of times as well).

Ross is especially grateful for the support of the strong internal community that he and Keith have fostered at Walker Associates. While the

stakes are high for the type of transactions on which they focus, they do prioritize having a fun and pleasant office atmosphere while still maintaining consistently high candidate and client engagement. They also emphasize a disciplined cash flow strategy that helps them and their team to focus on their efforts over results and not “counting their chickens before they’ve hatched.” That being said, their team has maintained a delightful tradition of choosing among the best new restaurants in the city at which to celebrate as motivation for closing their deals.

Originally from Suffern, New York, just north of the city along the northern New Jersey border, Ross currently resides in Hoboken, New Jersey with his wife Alissa and their two young sons Ethan and Dylan. When he’s at home and not recruiting, Ross enjoys outdoor grilling with his family and even does it in the cold of winter (although pizza out with his boys is a frequent activity with Ross’ favorite pizza topping being chicken parmesan). He is also an avid outdoorsman who likes to ski, hike, bike and run. Along with his wife, Ross has developed a passion for shark fishing which they enjoy doing together in the Florida Keys twice a year. (AUTHOR’S NOTE: The phrase “Shark Week” probably hits a little differently in the Weil household!) Additionally, Ross is on the board of NJY Camps, the largest Jewish overnight camping agency serving over 3,000 children each year. Ross was a camper and counselor at NJY in his youth and his oldest son Ethan is now a camper there as well.

When left to his own devices, Ross enjoys reading and is currently into “Die With Zero: Getting All You Can From Your Money and Your Life” by legendary energy trader Bill Perkins. Other books that he credits with shaping his approach to his work and personal life include “Never Split the Difference” by Christopher Voss, “The Only Sales Guide You’ll Ever Need” by Anthony Iannarino, “Be Obsessed or Be Average” by Grant Cardone, and “Awaken The Giant Within” by Tony Robbins. He also enjoys cranking up some Pearl Jam (which he’s proud to see that his boys have also taken a liking to) and watching the *Back to the Future* trilogy when any of the three movies happen to be on TV.

It’s great having you on the Board and getting to know you better, Ross. We’re looking forward to seeing you and the Walker Associates crew at many conferences and symposia to come!

#### ABOUT THE AUTHOR:

Raphael Franze, Esq. is the founder of LegalSummit Search Consultants, and a NALSC Board Member as well as a NALSC Newsletter Committee member.

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## Well THAT Was a Surprise!

*Emotional Intelligence is Key to Recruiting Success*

by Cheryl A. Brown, Esq.

*“The firm would like to invite your candidate to meet with a group of our attorneys.”*

Every legal recruiter delights in hearing those words. For a rookie legal recruiter, landing the first candidate interview is a big accomplishment. Recently, a former colleague shared stories about his early days as a legal recruiter when he started over 10 years ago. Jeff recalled being ecstatic after landing his first candidate interview with an Am Law 100 firm. He was representing a strong, senior level IP associate – let’s call him Matt. Jeff scheduled a coffee meeting with Matt to help prepare him for the firm interview.

Two days before the scheduled interview, Jeff spent a considerable amount of time prepping Matt. He provided Matt with insights about the firm and its national IP practice, advised Matt on presenting a positive first impression, and discussed how to showcase his background and experience. Together, they worked on Matt’s responses to the most frequently asked interview questions and role-played his responses to tough interview questions. Providing this service to candidates is an often overlooked value add of working with a legal recruiter. Prepping the candidate adequately can tip the scales in favor of an offer.

Matt went through multiple rounds of interviews, and it looked like an offer was at hand. The last step was a lunch meeting with four partners in the firm’s IP group. Everything went well - until dessert.

On the day of the interview, Matt was confident and well-prepared for a successful interview. He reviewed the firm bios of the four partners along with recent articles and news about the well-regarded IP practice. Matt arrived a few minutes early at the popular steakhouse the firm selected for lunch. The interview started off

as you would expect. The partners asked Matt a series of questions about his law school, his background, and law firm experience. Matt felt like he established rapport and did a great job of answering the partners’ questions.

Toward the end of the meal, the firm’s highly regarded IP practice group leader started peppering Matt with personal questions. Initially, the conversation went well. However, after the IP practice group leader ordered his second martini and dessert, he took a more aggressive tone and approach with his questions. He pointedly asked Matt to identify his sexual orientation. The partner was visibly intoxicated, as he joked about what he assumed to be Matt’s sexual preference.

This stream of questions continued for the remainder of lunch. Understandably, Matt was taken aback by these questions and felt uncomfortable answering them. The other partners mostly remained silent. At the end of lunch, the IP practice head wrapped his arms around Matt and pulled him for a bear hug. He commented that Matt would be a great fit for the IP team. Matt was mortified by the encounter and relieved when the interview was over.

Unsurprisingly, Matt declined the firm’s subsequent offer.

*“...legal recruiters are increasingly incorporating EI in recruiting candidates and working with clients.”*

Jeff shared Matt’s feedback with the law firm’s recruiter, detailing the IP partner’s inappropriate questions and inebriation during lunch. It was concerning that the partner had complete disregard for how his behavior affected Matt.

Continued on page 18



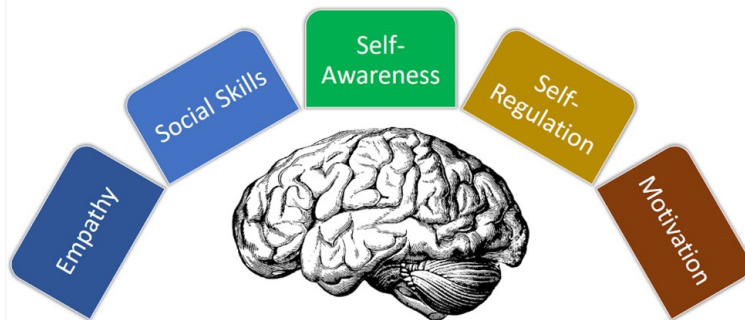
Apparently, this rainmaking partner was known for asking candidates strange and inappropriate questions. Consequently, Jeff has not presented additional candidates to this practice.

This bizarre interview didn't deter Jeff from his goals. It actually impacted how he approached recruiting from that point forward. He continued to work tirelessly to build relationships with other law firms. After several rounds of firm interviews and negotiations, Jeff successfully placed Matt with a firm, where he is now a partner. This placement marked a watershed moment in Jeff's legal recruiting career. That unforgettable first interview sparked Jeff's interest in learning more about the importance of emotional intelligence in recruiting, particularly in the interview process.

Emotional intelligence, also known as emotional quotient or EQ, refers to an individual's ability to understand, manage, and express their own emotions, as well as perceive and influence the emotions of others. In recruiting, this skill set is crucial for successful interpersonal relationships, effective communication, and overall personal and professional success.

In 1995, Daniel Goleman published his ground-breaking book, *Emotional Intelligence: Why it Can Matter More than IQ*. In this book, he identified five key components of emotional intelligence ("EI"): empathy, social skills, self-awareness, self-regulation and motivation. Emotional intelligence has been a topic of much interest and research in recent years, and new concepts have emerged that expand the traditional definition of EI.

### Core Components of Emotional Intelligence



1. Empathy – the ability to understand how others are feeling, is absolutely critical to emotional intelligence. It involves more than just being able to recognize the emotional states of others. It also involves your responses to people based on this information. If you are empathetic, and you sense someone is feeling sad or hopeless, you would treat them with more care and concern or try to buoy their spirits.
2. Social Skills – being able to interact well with others is another important aspect of emotional intelligence. Having strong social skills allows people to build meaningful relationships with other people and develop a stronger understanding of themselves and others. True emotional understanding involves more than just understanding your own emotions and those of others. You also need to be able to put this information to work in your daily interactions and communications.
3. Self-Awareness – the ability to recognize and understand your own emotions. Beyond just recognizing your emotions, however, is being aware of the effects of your actions, moods and emotions on other people. To become self-aware, you must be capable of monitoring your own emotions, recognizing different emotional reactions, and then correctly identifying each particular emotion.
4. Self-Regulation – in addition to being aware of your own emotions and the impact you have on others, emotional intelligence requires you to be able to regulate and manage your emotions. This doesn't mean putting emotions on lockdown and hiding your true feelings, it simply means waiting for the right time and place to express them.

5. Motivation – Intrinsic motivation is another important emotional intelligence skill. People who are emotionally intelligent are motivated by things beyond external rewards like fame, money, recognition, and acclaim. Instead, they have a passion to fulfill their own inner needs and goals. They seek internal rewards, and experience satisfaction and contentment from being totally in tune with an activity. Those who are competent in this area tend to be action oriented. They set goals, have a high need for achievement, and are always looking for ways to do better.

Source: <https://www.verywellmind.com/components-of-emotional-intelligence-2795438>

The benefits of developing and improving EI are vast. More and more legal recruiters are increasingly incorporating EI in recruiting candidates and working with clients. By considering a candidate's EI, recruiters can assess their interpersonal skills, empathy, and ability to handle conflicts and stress, which can help lead to better communications, stronger relationships, and more successful placements.

Over the past few years, Jeff has made a conscious effort to place a greater emphasis on EI in managing his recruiting desk. Through training and mentorship, he is constantly working to enhance his EI and communication skills to be more efficient and empathetic in working with candidates, colleagues, and other recruiters. He has found it to be particularly helpful working with lateral partner candidates who are initially reluctant to fully discuss their portable book of business (or lack thereof). More recently, Jeff has incorporated EI tests and assessments to help screen and evaluate potential candidates. Similarly, Jeff is employing EI during his meetings with law firm clients. He regularly meets with firms and finds that many law firms struggle with describing or distinguishing themselves. Jeff is using his soft skills to help managing partners and recruiting professionals at firms dig deep and identify the firm's unique selling points – what sets the firm apart from the competition.

The growing emphasis on EI is a signal that some law firms need to shift their thinking, too. Jeff strongly suggests that law firm interviewers factor EI concepts into their interview style and approach. Moreover, law firm leaders who possess a high degree of EI have the capacity to attract and retain exceptional lawyers as well as create a supportive and inclusive firm culture. Law firm leaders set the tone for the firm.

After 10 years of legal recruiting, Jeff realizes that EI was not just a useful tool, but an essential part of his long and challenging journey as a recruiter. He is grateful for the early lessons in EI and looking forward to new advances. He believes Artificial Emotional Intelligence (AEI) will be a game-changer in the recruitment space over the next several years. AEI is a subset of artificial intelligence that measures, understands, simulates, and reacts to human emotions. Jeff envisions this technology can be used to analyze and replicate the soft skills required for high performing legal recruiters. This information can then be used to train teams of legal recruiters and optimize their performance.

Now, as a seasoned recruiter, Jeff says he still celebrates when he lands an interview for a candidate. He celebrates even more when he sends the invoice.

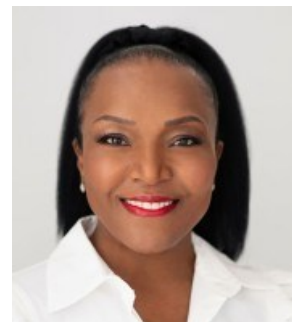
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**Now, it's your turn to surprise us!** Please send [info@NALSC.org](mailto:info@NALSC.org) the most surprising thing you've encountered in your recruiting career. We'll select one and a member of the newsletter committee will work with you to craft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



# How to Promote Yourself, Even When You're Uncomfortable Doing It

*The first rule of talking about you: It's not actually about you.*

By Jason Feifer

Editor in Chief of *Entrepreneur* Magazine and author of *Build for Tomorrow*

Reprinted with permission from “*Build for Tomorrow*” blog, Sept. 22, 2022

I was recently on Instagram Live talking about my book when someone made this comment: *Don't forget guys, he's getting paid for this.*

Years ago, a comment like that would have killed me. I was afraid to promote myself or my work because it always felt like begging. So when I did promote myself, I did it with self-deprecating humor. When I first launched my podcast, for example, I emailed my friends with the subject line, “In case you're not sick of my voice.”

But today, I have no problem promoting myself. I talk clients into hiring me for speaking engagements. I talk universities into buying hundreds of copies of my book. I am *out there*. And I'm making much more money as a result. So how did I go from one to the other?

First, I watched how gracefully entrepreneurs promote themselves. There's no fuss. No tap dance. They instead frame their sale as a benefit. They talk about how useful their work is. That concept started to sink in for me: *Useful*.

**I needed to think of my self-promotion as useful—not to me, but to the people I'm reaching.**

Once I discovered this, I ran a little experiment. I get many connection requests on LinkedIn, primarily from strangers. For a while I had no idea what to do with these people. But then I tried something: I accepted everyone, all at once. Hundreds of them. Then I personally sent them all the same short message:

“Hey, thanks for connecting with me on LinkedIn,” it began. “I'm guessing you're already aware of *Entrepreneur* magazine, so I wanted to make you aware of a few other, related resources that might be interesting to you.”

Then I told them about my podcasts and personal newsletter. The response was immediate and enlightening. “Thank you so much. Love this!!!” wrote one person. “Jason, this is awesome! Can't wait to check it all out!” wrote another. One guy quickly listened to multiple episodes of my shows, then wrote a thoughtful note about them. Another listened, reached out for advice on building his own podcast, and we discovered a potential partnership for both our brands.

I'd worried that self-promotion was a burden. Now, here people were literally *thanking me* for doing it, and offering new opportunities. I started laughing out loud. It was so nuts!

I still do this years later, though I've evolved the message I send. I've also learned something big and very important — and this is what I told the guy on Instagram Live, when he made that comment. I said, look:

**If you create or do something useful to other people, and you believe it can help them, then it is your responsibility to tell them about it.** Because you are giving them something of *value*.

*“If you create or do something useful to other people, and you believe it can help them, then it is your responsibility to tell them about it.”*

I don't care if you have a company, make a product, or if you wrote something that people should read. Maybe you're just talking yourself up at a networking event. Maybe you're at a party and meet someone you think you can help. When you think of promotion as a *gift* — as a thing you do to help others gain access to your greatness — then promotion isn't awkward. It's also not something to be scared of or embarrassed about. It requires no hesitation.

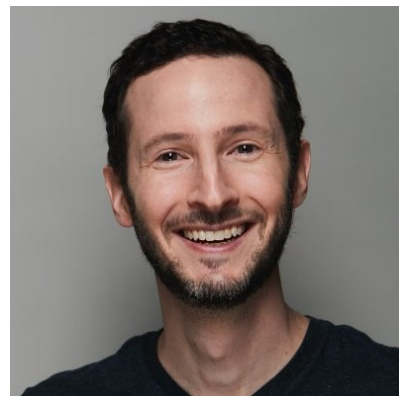
Just the other day, I was in a bookstore signing copies of my book. A customer started looking at the book, but clearly felt shy asking me about it. So I turned to him and said, “If you buy it now, I can sign it for you!” He told me his girlfriend is going through a career change, and asked if the book could help. Absolutely, I said. He called his girlfriend over. We talked for five minutes about what she's doing, and I explained some of the relevant lessons from the book. She was sold. And she *thanked me*.

That's nothing to apologize for.

## ABOUT THE AUTHOR:

“Jason Feifer is the editor in chief of *Entrepreneur* magazine, a podcast host, book author, keynote speaker, startup advisor, and nonstop optimism machine. His goal is to help you become more resilient and adaptable in a world of constant change — so you can seize new opportunity before anyone else does!”

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