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Law Firm Recruiting: The Secrets to Success

By Wendy L. Werner

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INTRODUCTION

TechnoLawyer recently asked me to write about the “10 Best Questions to Ask a Job Candidate.” Instead, I suggested the notion that there may be ten questions that an organization wants to ask itself before it makes a hiring decision. (See [Wendy Werner, Top 10 Tips on Recruiting the Right Attorney for Your Firm, TechnoFeature, Nov. 7, 2006.](#))

While I still stand by that recommendation — there are things that you want to think about when formulating questions for an interview.

Why is it that for employers and candidates alike, the interview process turns out to be such an inaccurate presentation of both the needed skills and aspects of the job, and often, faulty assessment of the candidates being interviewed? Why can't we get it right?

It is my contention that for the most part employers are not trying to misrepresent their offering and candidates really don't want to get hired for a job in which they will not be either engaged or excel. But for a variety of reasons, the transaction frequently does not work very well for either party.

What can employers and candidates do to make the interview process a more accurate reflection of the job and of the candidate's suitability for the job?

THE HIRING ORGANIZATION

One of the biggest problems that organizations have when they begin the hiring process is that they don't know what they want in a candidate. This may not necessarily mean they don't have a job description, or an idea of what the person will do. What it may mean is that there is no clear consensus about what the priorities are in the job, what skills are most important, what tasks will take up most of the employee's time, and what the person

must know how to do to be successful. This is true for both large and small law firms, public and private organizations.

In smaller firms there may not be consensus (or even a discussion) about the roles and responsibilities of the new hire. Sometimes firms write job descriptions to counteract the errors of their last hiring process rather than affirmatively for the position they are trying to fill.

While many organizations conduct exit interviews to determine why people leave, consider interviewing your best employees.

Large firms hiring students for a summer program are often looking for “utility” players — bright and accomplished students who probably don't yet know what kind of legal career they want to have in the future. Going through a rotation program, and later declaring an interest in a specific area, it is difficult to predict where their interests will lead them. And that all-important potential supervisor rarely interviews them. It is not difficult to understand that under the circumstances, more than 40% of them will have left their first position within three years of being hired.

WHO ARE YOU AND WHAT CREATES YOUR EMPLOYEE SUCCESS?

Most organizations have a unique environment, sometimes specific to departments. But most people do not know how to define their environment and they often can't describe it to someone else. Reaching some kind of consensus about a

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description of your culture (and hiring for it) — or counter to it if you are looking for change — can be very helpful in your hiring process.

In addition, before you start hiring you should examine your track record. Focus on your successes — there is more energy in that than looking at the selected candidates that did not work out. While many organizations conduct exit interviews to try and determine why people leave, consider interviewing your best employees. Find out why they joined your organization over others and why they chose to stay when they had opportunities to leave. You can learn a lot from their feedback.

IF YOU'RE THE CANDIDATE

Candidates often find it difficult to learn about an employer's culture before accepting a job, or they don't do enough homework before they accept a position. Although it is often particularly difficult for newly minted lawyers (focused on finding that first professional position), it is no less important for them than it is for more senior employees to investigate in advance.

Reading resumes in advance and noting areas for further exploration will make for a more in-depth interview.

While it is hard to find a first job, it can be worse to accept a position that is a bad fit and then scramble to find something else, or learn in an environment that is a bad fit. Law students can often gain information about an employer through their career services office, and associates with several years of experience should inquire through their network, be they colleagues or bar association contacts. Candidates need to know something about themselves and the environments in which they would flourish so they have a basis for comparison when interviewing.

While you may know something about an employer

in general, after your first several years of practice, the specific person or people for whom you work will be critical. Personality clashes and work style differences can impact how you feel about your job. The more specific information you can garner about the people that you will work with the better.

THE INTERVIEWERS

Many lawyers who interview clients, handle depositions, and cross-examine witnesses are far less comfortable in a candidate interview process. For the most part it is something they want to finish so they can get on with the process of practicing law.

While large employers that interview students on campus often have well composed interview forms, and may even ask pre-scripted questions, most lawyers do not treat a job interview with the same seriousness with which they would conduct a case-related interview. But nothing is more likely to impact your business than the hiring of a new professional.

If you have a choice of interviewers at your organization, select people who take this process seriously and give it the attention that it needs. Reading resumes in advance and noting areas for further exploration will make for a more in-depth interview.

BEHAVIORAL INTERVIEWS

In many business settings, the behavioral interview has become a preferred way to ask questions of candidates. The premise of the behavioral interview is simple: past behavior predicts future performance. Rather than asking a series of open ended questions about past job responsibilities and activities, the behavioral (or situational) interview consists of a series of specific questions related to the tasks of the job that is being filled.

Behavioral interview questions often start with the phrase "Tell me about a time when." Candidates are asked to explain, often in detail, the circumstances of an event, their activities, and the outcome. The interviewer will take notes to recall the answers after the interview is over. Because all candidates are asked to respond to very similar and job related questions, the proponents of this method also believe that it creates a significant likelihood of a lawful

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interview that evaluates candidates on performance related criteria.

There are some difficulties present in this format. While many candidates are prepared to talk about their background, few have thought deeply about specific situations they would be required to recall on the spur of the moment. So it could be that the behavioral interview rewards candidates who think quickly on their feet, or those who have excellent situational recall, or perhaps even those who are able to invent a story on the spur of the moment. The best candidate might recall the most appropriate responses on the way home in the car — after the interview is over.

If you conduct behavioral interviews, I recommend that you tell candidates in advance that you will be asking specific questions about work they have done in the past. Second, you must also be willing to give the candidate time to respond. The stress of a traditional interview is significant, but being asked for specific examples spontaneously requires the candidate to think before responding. Setting this up in advance of the interview will help the candidate pull some thoughts together, and acknowledging the thinking time necessary to complete the necessary reflection will create a greater likelihood that you will hear real rather than contrived responses.

CANDIDATE HISTORY

My personal preference is for something that is more akin to taking a patient history. In my experience, employers seek more than one time experiences; they also seek motivation and a track record. By going back through a candidate's academic and employment history I have found that a great deal can be learned about the how's and why's of a candidate's employment and educational experience. It is also unexpected.

Candidates anticipate that they will be asked most closely to explain their most recent work history, not all of their education and employment. Returning to far past events and activities is something that most candidates find disarming. And asking about past education and long ago employment helps create a picture of candidates' decision-making processes

and motivations.

What college did the person pick and what was his/her major? Why? Was it a good decision or not? How do the choices look to the candidate in the rear view mirror? How did they find a summer job, first full time job? What did they get from each job? What was their relationship like with supervisors? Candidates are programmed to talk positively about their current experience and to anticipate pointed questions about those activities, but they are less likely to have thought about past experiences in the same way.

In addition to the historical method, asking specific questions about job-related activities is equally important.

If you have done a thorough job in exploring what you want in a candidate in terms of experience, attitudes, and behaviors, getting a thorough history is likely to give you a lot of information relevant to the job description and the more intangible aspects of character and motivation.

In addition to the historical method, asking specific questions about job-related activities is equally important. If the candidate will be performing specific tasks, it is important to know their level of expertise. Ask about levels of involvement. Ask for specifics. If the individual says they have taken depositions, are they talking about 5 or 50? If they have written appeals, have they written two or twenty? And what about outcomes? A list of activities or numbers isn't enough; you want to know what kind of results they have achieved.

Try to schedule all the candidates within a fairly short time period. It is easier to compare people when you can remember the impressions they left.

QUESTIONS

If you are a candidate, you will probably have ques-

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tions to ask the employer about the position, how it became available, and more about the process. Leave questions about benefits and salary until the time of an offer.

As an employer, resist the urge to answer questions about salary early in the process. You will simply be painting yourself into a corner for later negotiation. Politely say that you will be happy to discuss salary at the time of an offer. That is when you will learn about benefits and other perks.

If you are an employer, ask for references before hiring. Although it is difficult today to get detailed information about candidates in the reference checking process, it is not an area that you should ignore. More employers are asking for transcripts as well. There's nothing wrong with verifying information the candidate has provided.

CONCLUSION

In the end, hiring is more an art than a science. But there is no reason not to close the gap between a gut feeling and a reasoned decision. Ultimately, both parties want to find the right fit: a job and a lawyer worth keeping.

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ABOUT THE AUTHOR

Wendy L. Werner of [Werner Associate, LLC](#) is a consultant specializing in the areas of career management and law firm consulting. She works with law firms to develop effective hiring plans, and also screens resumes and conducts initial job interviews for law firms and corporations. She also coaches attorneys and other employees to improve performance and develop career options. For fifteen years she was the Assistant Dean at Saint Louis University School of Law.

She writes a monthly column on careers and practice management for the Saint Louis Lawyer, the monthly publication of the Bar Association of Metropolitan St. Louis. She is on the editorial board and serves as a contributing writer for Law Practice Today, an online publication of the American Bar Association.

Contact Wendy:

E: wendy@wendywerner.com

T: (314) 644-2221

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