

DOUGLAS HOPE

Douglas Hope specialises in assisting
solicitors and partners
in **England and Wales**

Senior Assistants & Associates

MARKETING PLANS

It is becoming more commonplace for candidates to be asked in detail about how they would market themselves to perspective and existing clients. Practices assess marketing abilities in two ways. You will often be asked to discuss marketing methods in detail in person. In addition, you may be expected to prepare a business / marketing plan, the level of detail which is required can vary from a skeleton document to a more comprehensive overview which would highlight your methodologies and knowledge of your particular market.

OFFERING TOO MUCH INFORMATION

During the interview process it is highly likely that you will be asked to provide details regarding historic billing performance. Whilst it is necessary to try and build up an accurate picture of your personal performance you should be careful not to offer too much, or too specific information to any potential new partners.

When discussing a following you will need to be prepared to give an overview, and once again you need to tread a careful course - whilst it is crucial to emphasise the strength of your following you must ensure that commercial information and client confidentiality are never jeopardised. Offering too much information may damage your credibility as it may signify a lack of commercial judgement and professional discretion on your part.

DISCUSSING YOUR FOLLOWING

If you have a following you should be prepared to discuss the strength of this following. Whilst at the early stages you do not want to give sensitive market information away you must be able to provide a structured answer in regards to the level and number of clients you have and reasons why they may follow you such as client loyalty.

When providing a structured answer it is imperative that you can talk about it with confidence, in practical terms this means being able to provide approximate financial figures that you feel comfortable in stating.

We will deal with suggested ways of calculating following later but in broad terms, if you are overly conservative with your figure then, you may not only be hampering your presentation to the firm, but also affect the offer the firm may wish to make you. On the other hand, if the figure that you provide is overly optimistic, you may secure the position you want with an enhanced remuneration package however if you do not deliver this figure then it is likely that your new partners will be disappointed and this certainly isn't an ideal way to start new working relationships.

An inability to state specific figures or talk about your following confidently and articulately can seriously dent your credibility even at the early stages.

QUANTIFYING YOUR FOLLOWING

Quantifying your following is something that you should give serious thought to as soon as you begin to consider a move to a new firm. Calculating your following is a subjective matter as you will have to predict how you think your clients will react to your move.

A good way to approach this in the initial stages is to consider the following key factors. Firstly, the strength of your relationships with the clients you expect to follow you. Secondly, from these clients how much work you would expect them to generate for you over the next couple of years. Thirdly, you should consider the likely opinion of your clients towards the firms under your consideration. In addition, you should consider your contractual position and the effect that any restrictive covenants may have.

Once you have put together a target list of clients that you would expect to follow you should look at the fee income that your current firm has made from your clients, both from your personal billings and matters billed by other fee earners.

The figure that you arrive at should then be considered in light of any relevant information you may have about your clients' future plans in assessing any potential following. These may be specific intentions that you are aware of or your opinion on their business performance and what effect this will have on the likely work that they will require going forwards.

At the early stages, predicting a specific figure can be difficult as you will be forming a view of how your clients will feel about the firms you are in discussions with. Therefore, the best way to forecast your following at the early stages is in terms of a likely banding.

As your discussions progress with potential new firms you will be expected to provide more specific information regarding your following. In order to do this you should consider factors such as charge out rates, is the potential new firm marketable to your existing clients? In addition, if you handle your clients work personally will you continue to do so in your new firm? If your clients use other departments within your current firm will the potential new firms be able to accommodate this? Do other partners within your current firm enjoy good relations with your clients? How easy would it be to transfer existing matters you are undertaking for your clients? How much of the work that you undertake for your clients is at the heart of their business?

Whilst there are certain objective factors that enable you to quantify your following this is also determined on the strength of the personal and professional relationships you have with your clients.

PASSED OVER FOR PARTNERSHIP

It is not uncommon within many of the larger practices, particularly during quieter periods for a significant number of experienced senior associates to be competing for only one or two partnerships.

It is really crucial at this stage in your career to ensure that your head rules your heart and not the vice versa. Although easier said than done you must consider realistically and even handedly what your chances are in achieving partnership status within your current firm. Certain strategic criteria must be considered if you have found yourself being passed over for partnership within your current firm which could make a significant impact upon the long term success of your career. These include:

To what extent does the influence of the partner putting you forward have within the partnership as a whole?

Are you aware of any partner or partners who do not favour your move up?

How many more people will be competing against you next year and what are their chances of success in comparison to your own?

If you do not consider these criteria early on and instead just carry on for years continually being passed over you will undoubtedly ensure that your marketability both internally and externally will diminish as each year goes by. Both your current firm, and maybe more importantly from a holistic point of view, other firms will question the rationale around why you have not made partner on more than one occasion. Furthermore, particularly for those working for a large firm as each year goes by and your costs go up a lack of following could seriously impact upon your affordability in comparison with the value you can add to potential new employers.

For those who have been passed over for partnership for the first time as long as you have seriously considered the various criteria outlined above and still feel that your chances next year are strong then it is well worth staying put and persevering for second time round success. However, if after being frank with yourself you feel that you could be faced with the same situation next year it is important that you seek advice about the current state of the market and the possibilities that may lie outside of your current firm.

HEAD HUNTERS

Whilst it is highly flattering to be approached by a head hunter on behalf of a firm you must remember that retained head hunters work only on behalf of the client who has instructed them. This means therefore, that they owe a duty to their clients to find suitable candidates. Their position is rarely easy as many roles which they handle in private practice are normally more difficult to attract people to. The more attractive roles are normally dealt with by recruitment agencies or advertisements in the press handled via recruitment agencies or the firm's themselves. Normally when these methods have failed a practice will retain a head hunter. This can be a last resort option as it is an expensive method of recruitment.

By accepting an offer for the role that you were approached about by a head hunter may not necessarily follow that this is the best strategic move for your career. This is because this approach

to recruitment does not normally allow for you to consider or be introduced to any other practices which may be able to offer similar or more attractive opportunities.

RETURNING TO PRIVATE PRACTICE FROM INDUSTRY

In recent years opportunities for senior in-house solicitors to return to private practice has increased. Many firms have and continue to divide their practices by industry sector as apposed to legal discipline. In so doing practices market themselves through their in-depth knowledge and experience within specific industry sectors. For senior lawyers having first hand experience within a specific industry sector is increasingly sought after within such re-organised practices.

Furthermore, in-house solicitors, particularly at the more senior levels have first hand experience of tendering processes from the purchaser's viewpoint, an increasingly useful knowledge to have with the growth of competitive tendering for legal services. The majority of experienced in-house solicitors will not have a following, an important consideration for potential new employers, particularly when recruiting at the more senior levels. However, for anyone pursuing a move from industry back into private practice it is important to remember that the network of industry connections you will have built up over the years could well turn into a varied and loyal future following.

WHAT COULD I EXPECT FROM A MOVE OUT OF THE CITY?

After a period of time you may find yourself becoming increasingly exasperated with certain aspects of life in London. The trains, tubes, pollution, noise and costs can begin to become somewhat of a bind. The hours you are expected to work can have an increasing impact upon your life outside of the office and in some cases an increase in responsibility and quality of work does not materialise as your experience expands.

Exploring career options outside of London can provide a genuine alternative to the City and for many becomes a wholly worthwhile decision. The following factors outlined below highlight some of the reasons why many professionals choose to move to the regions. However, at the end of the day making a move out of London is a personal choice which can be dependant on many individual

factors that will affect both you and your family.

Quality of work – rarely is it the case that this needs to be compromised. The sizes of the deals you will be involved with are often smaller although the quality and complexity of the transactions remains the same. Within some disciplines the cheaper fees of regional competitors has meant that quality work from the City firms ends up in the regions. Solicitors usually find that they are able to gain far more hands on experience and greater responsibility at an earlier stage in their careers within regional firms.

Salaries – Of course there is a reduction but this is balanced against the reduced cost of living and property prices in the regions. At a senior level this is often redressed with the high profits that are often posted in regional firms.

Support – The quality of non-fee earning support in the regional firms is just as good as that of any City firm. However, due to the fact that the working day is often not as long in the regions and the expectation on staff to be in the office round the clock rarely applies availability of support will not be available 24/7.

Following - It can be possible for clients to follow you to a regional firm. Obviously the further away you move from your client in terms of distance may affect how viable it would be to continue working with them. A number of the major law firms in the North also have City offices which may alleviate potential issues relating to physical distance. Clients may see the benefits of dealing with regional firms due to a better value of service on offer - whilst still receiving a service from ex City lawyers they do not have to pay City fees.

Quality of life – many solicitors decide they would prefer to spend more time with their families rather than being caught up in the daily commute.

As Douglas Hope specialise in the recruitment of solicitors and partners in the North of England our guides focus on the North West, North East and Yorkshire and Humber regions. We would be

happy to discuss in more detail with you any aspect of relocating to the North of England and how a move could affect your professional and personal way of life.

MOVING IN-HOUSE

If working in-house is an option you are considering as a serious long term career move the timing of such a move is of crucial importance to the overall impact the change will have on your future opportunities.

Whilst there can be in-house positions available at all levels, the majority of opportunities arise for solicitors who have around 3 years + PQE. It is usually the case that companies prefer candidates who have gained a solid training and grounding in the law within private practice and will be therefore more capable of working without supervision.

In most cases an in-house solicitor will handle a broader range of matters than their counterparts in private practice. The experience gained by a solicitor in private practice will not correlate specifically with the role of an industry solicitor. Therefore, having a seat in company/commercial together with company/commercial or corporate post qualification experience is particularly important. Other seats that are more useful to have when looking in-house include employment and IT.

Companies will also generally prefer candidates from similar sized firms and heads of legal departments are keen on relevant sectorial experience. A move in-house will often require a certain level of confidence. An outgoing solicitor who can easily market their services to the entire business and gain the professional respect of their peers and superiors alike will be more successful in industry.

If you decide to move back into private practice it is highly recommended that you should look to do this within 3-4 years.

WORKING IN PROFESSIONAL SUPPORT

The role of a professional support lawyer (PSL) has changed significantly over the last few years. The important role that PSLs play in most City and large regional firms has been truly appreciated and the value of their function today is rarely underestimated.

Dedicated professional support, although a fairly new concept has developed enormously, particularly in the City, and now offers a variety of responsibilities and different levels of seniority providing a career option in its own right.

Working in professional support offers more flexible working hours and has been an ideal career choice for those looking to move away from fee earning whilst remaining within the legal field. Some still utilise the flexibility that working in professional support offers when choosing to dedicate more time to family or as an interim career move. However, increasingly people are seeing professional support as a long term, full time career opportunity. PSL work still provides options for shorter or more predictable hours, working from home for part of the time as a PSL is becoming more and more accepted.

Opportunities within professional support are developing all the time. Roles exist in the traditional disciplines such as corporate, property and litigation but increasingly roles are becoming available in areas such as projects and insolvency with some opportunities in employment, tax, and IP/IT to name a few.

The role of a PSL will vary from firm to firm and department to department. Roles are often tailored to the individual circumstances and experience of the individual. However, PSLs are usually involved with key areas of work including developing know-how such as precedents, databases and working practices and drafting and disseminating documents. Generally a PSLs role will also encompass the research of new law and practices whilst keeping the fee earners up dated with developments. PSLs are tasked with dealing with fee earners enquiries at all levels around complex areas of the law. It is not unusual to be required to provide ongoing training and professional development to fee earners as well.

Professional support work can also encompass marketing and business development. This often comes in the form of producing newsletters and articles for clients as well as arranging and conducting seminars and events. More recently PSLs have become increasingly involved with developing IT, internet and online products.

There are increasing opportunities for career progression within professional support, particularly in City and large regional firms, with roles offering supervision of other PSLs as well as department head of know how or director. Salary levels for PSLs can be a slightly grey area as positions do often reflect the experience and responsibility of the individual. As the role of a PSL has increased in status and demand the gap between fee earners and professional support staff has reduced. In general PSLs should expect to earn between 10-20% less salary than their equivalent PQE fee earning counterpart although this salary discount continues to diminish with time.

In order to become a professional support lawyer you will usually need to have at least 2-3 years PQE with no upper limit to levels of experience gained. Previous experience as a PSL is not usually necessary however a keen interest and enthusiasm for the law is a prerequisite. Potential PSLs must be able to demonstrate a high degree of intellectual ability with the capability to grapple with and communicate new and complex areas of law to other people at all levels. Good presentation and IT skills as well as sound organisational and motivational abilities are also sought within PSLs.

THE OFFER STAGE

When candidates negotiate terms of employment with their perspective employers a myriad of potential problems, misunderstandings, sensitive issues and fear of either party giving the wrong impression arise. The facilitation of the often delicate discussions that form an offer process is a key element of your recruitment consultants' role. Experience and knowledge together with the benefit of a greater degree of neutrality should ensure that both candidate and client are happy with the final outcome of the terms agreed. This point should also be remembered when looking to negotiate your contract as a fine line must be drawn between getting what you want without alienating your new employer before you even start by coming across as overly fastidious.

Furthermore, your recruitment contact acting, in reality as a broker for both parties will be keen to ensure a deal is agreed which is favourable to both candidate and client as this will reflect a positive placement for themselves as well.

By bringing last minute demands to the table once contracts have been agreed by all parties will invariably lead to last minute withdrawals of offers from the new employer. It is crucial to be clear from the onset of the level of remuneration and any other benefits and criteria you will require to accept a new position. By omitting to consider every aspect of your intended package will not bode well with a future employer, if someone can forget something as important as their own personal package what could they forget when working for one of their clients?

'BUY-BACK'

It is not uncommon that right at the end of the recruitment process when you have received the offer you were hoping for at a firm that you rate highly you are then faced with the often unforeseen dilemma most commonly referred to as 'buy-back'.

Being singled out for significant amounts of positive attention by key strategic members of your firm may seem flattering however common sense determines that you should be under no illusions as to the reality of the situation in which you find yourself.

In a market where candidates are in high demand firms are fully aware that the majority of their employees are worth retaining. Firms know full well how difficult it can be to recruit new staff and how much time, effort, disruption and money can be involved in the whole process. Therefore, with a small amount of common sense and commercial awareness an employer will see that by giving some reassuring promises of career progression or a bit more money together with the addition of some general flattery will prove far more cost effective to the firm than your departure.

As recruitment consultants it would be wrong for us to say that any candidate who lets us know that they have succumb to such reassuring promises of career and financial enhancements is not disappointed about losing a good placement. However, in addition to this, years of experience has

shown us that in these situations it is more than likely that such candidates will find that the issues that were expected to be rectified still exist six to twelve months later - the minor increase in remuneration leads to a reduced pay rise in the next annual review rounds, the better quality work failed to materialise or the associate or partnership carrot seems further away than ever.

With the value of hindsight that experience provides us the key to avoiding the buy-back situation is clear. At the initial stages of any search for a new role a candidate should thoroughly assess for themselves exactly what the issues are at their current firm and to what extent and by what means they may be overcome without physically making a move. Only if there are no realistic ways to rectify issues big or small within your current firm should you look to consider moving somewhere new. Remuneration should never be the sole reason for making a move but where this is an issue alongside others then only when carefully considered it is concluded that they will not be quelled then, and only then should you consider a move elsewhere.