

RECRUITMENT AND RETENTION – REIMAGING BUSINESS DEVELOPMENT FOR THE LEGAL COMMUNITY IN 2021

By: Aparna Tutak

When it comes to business development for their law firms, most lawyers consider client acquisition the single most important barrier to their profitability and long-term success. But true business development requires more than growth in the number of clients a firm has. A growth-minded law firm cannot be successful without considering the role that recruitment and retention play in keeping a firm's most important assets – its employees – thriving in a post-pandemic workplace. Like it or not, the world has changed and in an industry typically slow to adopt change, many firms have struggled to accept new mindsets as the nature of how work gets done has shifted in a short amount of time. Law firm management now means that remote working will remain prevalent, but other than requiring employees take laptops home, how should firms approach “top-down” business development? Hint: it requires more than the help of the law firm's IT department.

You may be asking, “My law firm is amazing, and anyone should be lucky to be hired to work here so why should I worry about recruitment”? Simply put, employees are demanding more of their employers to account for the shift in remote working. According to a [recent survey](#) by Robert Half, 34% of WFH (work-from-home) employees would rather quit their jobs than return to the office full-time. Working from home (or anywhere outside the office) means that employees must prove with twice as much certainty that they're worth the investment (or gamble) in hiring them and that they're performing well at the job they were hired to do. Employers need technically savvy attorneys and staff who can pivot easily from working in an office to working remotely and back without sacrificing the amount or quality of work that gets done. What are the types of changes prospective employees and employers should expect in the brave new, post-COVID world?

GETTING TO KNOW YOU, DIGITALLY

Diminished travel to law school campuses for candidate interviews means that recruiters will be conducting interviews via Zoom. This saves firm members time and money on resources spent on travel but also eliminates the opportunity for spontaneity that comes from in-person interactions. Firm members and candidates should not presume that a Zoom interview is any less formal than an in-person meeting. Savvy candidates will dress professionally and be mindful of what's in the background during their on-camera interview (think of investing in a [ring light](#) to optimize your video presence). After all, this is a testimonial of the professionalism a candidate will be expected to have when working with a paying client and while it may be unfair, a poor work environment with dirty towels on display in the background, make for a sloppy impression to those who surround you, even virtually. Firms are also utilizing behavior assessments like [DISC Assessments](#) to help evaluate how candidates interact with their peers and leadership. In lieu of lengthy, in-person interviews, such assessments provide a look into the patterns and mindsets of prospective and existing employees. The social media presence of prospective candidates will be more carefully scrutinized. Candidates actively participating in legal community forums or those consistently creating, curating, and sharing content are telling recruiters that their expertise is valuable, as is their potential reach for fostering

potential client relationships if hired. Firms that no longer see clients in physical offices need staff with the ability to cultivate relationships with prospective clients in digital spaces. Tomorrow's law firms will need to embrace this digital shift, or risk losing talent and ultimately revenue to savvy competitors who will.

THE RISE OF THE “NEW” LAW FIRM MARKETER

Pre-pandemic, many law firms focused their marketing efforts on billboard advertising, attendance at live conferences and in-person events where those in traditional business development roles were expected to host gatherings to network and solicit new business for their firms. Many firms cut marketing and sales resources from their budgets at the onset of the global health crisis but are realizing that while their skills are still needed, strong aptitude is needed in inbound marketing, data analysis, content marketing, and virtual events. Law firms focused on the future are hiring marketing technologists who help firms develop and execute strategies which drive business remotely. In addition, the importance of nurturing relationships with existing clients has never been as paramount. Maintaining an existing client is typically more profitable than the cost of acquiring a new one, so an employee who can balance both types of relationships consistently for their firm are set to be in high demand.

DOUBLE-DUTY LAWYERS

Professional networks have long been a tool used by lawyers seeking employment and law firms for recruiting. The difference now is that the pool of applicants has gotten deeper, [making the job-market ultra-competitive](#). Attorneys with years of experience are suddenly finding themselves vying for jobs with the nation's newest graduates. Maximizing exposure on sites like LinkedIn gives attorneys the opportunity to showcase their expertise and network with their peers. Prospective employers are paying attention to which attorneys, new graduates or their seasoned counterparts, are highlighting their technical expertise as much as their legal accomplishments. For example, as the pandemic struck, firms were challenged to evaluate their financial status and enact their strategic “in-case-of-emergency” plans. Many firms were left unprepared to do so simply because their professional staff lacked tools to make those decisions. In the foreseeable future, attorneys may be expected not only to understand and interpret law for clients but also to understand legal technology well enough to assist in financial accounting software deployments like SurePoint Technologies or CosmoLex, for example. An attorney with both legal and technical prowess is an asset to firms focused on maximizing their return in investment on future hires. You may not be expected to handle a complex software migration but having a solid understanding of the functional requirements of the firm and the ability to cut through technical jargon to acquire necessary tools will be critical. Bottom line, law firms hiring managers are vetting candidates on more than just their resume. Lawyers who are going to weather this storm are going to need to stay in front of their peers, self-advocate their unique technological skills on professional sites, and illustrate their expertise and passion for the legal profession and law firm management.

It goes without saying that retaining top talent is more cost effective than acquiring new hires. Attorneys who survived the downturn and kept their jobs are now realizing that their employers should be safeguarding their firms from future crises. So, what can law firm employers do to make sure their rainmakers stay and not stray?

EMBRACE THE HYBRID WORKPLACE

The shift to remote working means that, while some people feel comfortable and miss the comradery of being physically present in an office, others have found their stride in working from home, or cannot return to the office due to health concerns, having to care for ailing family members or lacking childcare. Employers unwilling or unable to accommodate the shifting needs of employees risk a mass exodus of talent as many other employers have already realized the evolving needs of legal professionals and are jumping at the chance to acquire new talent. In many cases, being tethered to a desk is no longer an option and more importantly, it's just not necessary. Attorneys have found that they love the flexibility remote work affords and the elimination of time lost commuting to the office. Retaining employees is more than a matter of paying someone more. Workplaces need to capitalize on the efficiency gained from remote workers rather than see them as a hinderance to returning to "normal." This requires a shift in more than just the firm's culture. It requires a commitment to "cut the cord" with on-premise technology solutions and the adoption of a cloud infrastructure to run the practice. People want to do their jobs well and it's up to employers to make it easier for their employees to succeed. Successful firms that are focused on long-term business continuity are simultaneously capitalizing on cloud applications and enacting change in their firms to better position themselves from future crises. This driver has led to firms adopting cloud-based solutions for team collaboration, productivity enhancements and streamlined communication via Microsoft Teams or [NetDocuments](#), a true cloud document management solution. A lack of technology investment shows prospective new hires that the firm does not care to innovate and improve, which could scare top-performers away. Candidates want to work at firms that can compete with AmLaw 100 firms regardless of size. Maintaining an on-premise environment that doesn't allow the flexibility to get work done in an efficient manner is enough to scare off people otherwise ideally suited for a position. Employees may wonder, "If the firm doesn't think it's worth investing in itself as a company, why would they invest in me as an employee." This demoralizing narrative is all-too-common in workplaces today and sets the precedent that a team member's value is limited and static rather than encouraged to improve. Firms that innovate and reimagine their business practices foster that type of creativity and drive in their employees.

KEEPING YOUR DATA SECURE IN UNCERTAIN TIMES

Cybersecurity is central to safely conducting business. According to Law.com, firms with fewer than twenty attorneys accounted for [half of all ransomware attacks in the legal industry](#) with even entire court systems suffering from malicious players. The "work-from-home" movement has led firms to identify gaps in their IT infrastructures which put them at risk for breaches or cyberattacks. Firms wishing to stay ahead of the threat are employing cloud hosting companies like [ProCircus](#) for assistance with data loss prevention and multi-factor authentication. The risk and liability of lost or stolen client information is a threat that firms need help avoiding. A poor security environment even puts attorneys' reputations in jeopardy. Employers wishing to retain their lawyers must heed warnings to protect not only their businesses but safeguard their employees from potential malpractice issues. One positive side effect of the heightened threat of malicious hackers during the pandemic has been the increased demand for cybersecurity attorneys. Firms are looking to source talent through both internal moves and lateral hires, as many form cybersecurity practices which could lead to increased revenue if included in strategic business development plans.

FOSTERING INCLUSIVITY TO COMBAT INEQUITIES

The changing socio-political climate has led firms to focus on Diversity and Inclusion initiatives as they innovate their organizations for increased equity amongst their ranks. Whether that means

developing mentoring programs or networking opportunities through the [ILTA Diversity, Equity and Inclusion Task Force](#) or taking [certification courses on building workforces that promote the inclusion of people of differing races, sexual orientation or disabilities](#), firms are focused on increasing revenue, improving employee performance and overall job satisfaction in an environment where change is already occurring. While many strides have already been made, legal teams “continue to struggle with improving leadership diversity and inclusive cultures,” according to the 2020 Inclusion Index Survey Report.

CONCENTRATION ON E-LEARNING

The need and desire to continue to improve skills throughout the pandemic has led to more CLE courses being offered online for on-demand consumption. While the need for onsite trainers may have diminished, firms that are invested in their employees are utilizing Knowledge Managers to assign out coursework on legal technology topics or courses offered by the ABA to assist attorneys with skills development which then allows firms to retain their talent while providing value to the firm and individual. Professional development should never be limited to the confines of a lecture hall in law schools. Quenching a thirst for knowledge and committing to a lifetime of learning can open doors unimagined in the past.

Whether retaining or recruiting employees, one thing is for certain as the workforce evolves in it’s requirements of what the future of business should be – the role of business development has evolved as lawyers must continue to innovate to drive value to their clients and to each other to ensure the longevity and success of the “future-ready” legal community.

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