

“Talent is cheaper than table salt. What separates the talented individual from the successful one is a lot of hard work.” —Stephen King, author



## LEGAL RECRUITING

# TRENDS

## Market has cooled off from heady days of five years ago

DONALEE MOULTON

The first decade of the new millennium has been a roller-coaster ride for lawyers looking for work. Currently, many legal professionals will find themselves facing a long climb before a job offer is proffered.

“It’s a really challenging market,” said Montreal-based recruiter Barbara Shore. “The demands on lawyers in practice and in-house have increased exponentially from the perspective of workload, expectations and development. It has become much more competitive.”

The heyday for hiring peaked in 2007, when the economy was booming and law firms were incredibly busy and constantly adding staff, particularly in the corporate and securities areas. The following year, the recession hit and settled in for the longer term.

“By 2011, we were in a fluctuating market where at certain points the market was very hot, and then would quickly quiet down. It seemed to respond to what was in the news each day and the issues in Europe,” said Carrie Heller, president of Heller Group, a legal and executive search firm in Toronto.

Today, she said, the disjointed pattern continues. “If I can sum

### LSUC’s pilot project

THE LSUC’S Articling Task Force is recommending a significant shift in the traditional licensing process. It is calling for a pilot project that will allow articling and a new Law Practice Program (LPP) to operate side by side for five years. While articling would continue to be the route through which most candidates become licensed and employed, the LPP, which would include a skills-training program and a co-operative work placement, would provide an alternative path.

- The pilot project would begin in the 2014-15 licensing year.
- The current 10-month articling program would continue with additional measures designed to enhance regulatory oversight and provide a more systematic evaluation of articling as transitional training.

- The LPP would be developed and offered as an alternative path to licensing for the five-year period.
- A culminating final assessment would be introduced to ensure that each candidate, whether the candidate articulated or took the LPP, has successfully completed the required transition to practice competencies before being licensed.
- The two paths to licensing would be monitored, assessed and compared, with a final report due by the end of the fifth year.
- The LPP would be delivered through a third-party provider or providers.
- It is currently expected that the LPP would be about eight months long, divided between course work and a co-op work placement.

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Lawyers with experience in private practice now need to demonstrate that they can meet the demands of the modern firm—and enhance business. To a large extent, the current job market is about money.

“The economy has changed. There is a higher cost to each partner’s practice,” said Warren Bongard, vice-president and co-founder of ZSA Legal Recruitment in Toronto.

It’s not surprising, then, that firms want their newest partners

to bolster the bottom line. “At the partner level, firms continue to be focused primarily on partners with growing books of business,” Heller said.

Without the confidence that new hires can contribute to cash flow, many firms are hesitant to ramp up their staff complement. “Firms and companies are hiring, but they remain cautious and very selective,” Heller said.

“It’s about leverage,” Bongard said. “The trend is to hire more associates than partners, but they’re still downsizing for economic reasons.”

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If I can sum up 2011 and 2012, it is uncertainty full of a lot of stops and starts.

Carrie Heller  
The Heller Group

This is a marked shift from the heady years of earlier in the past decade. “There was free-wheeling hiring,” said Shore. Now, she said, firms “don’t want to hire on young associates that they will have to lay off.”

Legal departments don’t have the same hesitancy. The job market here is more robust, for several reasons. One is financial: in-house counsel simply costs less than external counsel. That is a primary reason the market for in-house counsel is hot. “The volume of candidates is vastly larger than it has ever been before,” Bongard said. “The private bar is shrinking.”

Another reason in-house hiring is closer to the top of the roller-coaster ride has to do with a shift in perception. “The in-house market is a very different market than ten years ago. It’s gone from being a small, second-tier option to being a valued position,” Shore said. “More work is being brought in-house. This translates into very solid and varied career options.”

The options for younger lawyers are fewer and farther between. “Firms are always interested in outstanding talent, but it remains a very competitive market and there are many young lawyers

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SPECIAL REPORT



“I am convinced that nothing we do is more important than hiring and developing people. At the end of the day you bet on people, not on strategies.” —Lawrence Bossidy, former COO of GE and author

# ACING THE INTERVIEW

How to walk and talk the fine line between opportunity and disaster

RICHARD SKINULIS

The job interview: Nothing matches it for life-changing opportunities or cringe-inducing gaffes.

Louise Woolcombe, a senior consultant with Toronto-based legal recruiting firm Heller Group, remembers interviewing a very senior lawyer for a position. He was sailing along beautifully except for one thing: “During the whole interview he kept picking his teeth with his fingernail,” she says. “All I could think of was how I was going to end the interview without having to shake his hand.”

She recalls another candidate who met with two lawyers at a firm—a man and a woman. The applicant spent the entire interview talking only to the man. He wasn’t hired.

Still another lawyer was interviewed by a general counsel who, although vastly impressed with

her credentials and experience, still had niggling doubts. After showing the woman out, he asked for the receptionist’s opinion, which was: “She was so rude to me it was unbelievable.”

“That sunk her boat right there,” says Woolcombe. “To this day, if I get a funny vibe off someone, I’ll ask the receptionist how they were treated.”

Job interviews are so important that even a candidate made in heaven can still blow it.

“We did a general counsel search last year where one candidate was an absolute lock,” says Warren Smith, managing partner in Vancouver for legal recruiter Counsel Network. “The firm said that on paper, this was their guy.”

With only one other person on the short list, it was his job to lose. Knowing that, the candidate skipped his due diligence of the firm and treated the interview like **Impression, Page 16**



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## Employment: In-house market is more robust

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with good credentials that are unable to find positions. Even though the market is definitely better than 2009, you almost have a backlog of people trying to find junior positions,” Heller said.

The plight of the young lawyer is the focus of a report from the Law Society of Upper Canada, which established an Articling Task Force in 2011 as a result of

the rising number of unplaced articling candidates in Ontario. The situation has worsened. According to the report, *Pathways to the Profession: A Roadmap for the Reform of Lawyer Licensing in Ontario*, since 2008, when the lawyer licensing process and transitional training were last examined, the number of unplaced articling candidates has continued to rise, and the

task force predicted that this is unlikely to change.

“[T]he articling program as currently structured will be unable to meet the ever-increasing demand for article placements,” the task force stated in its 100-page report.

For younger lawyers, that means standing out from the crowd. “Attitude and willingness are key,” said John Ohnjec, division director with Robert Half Legal in Ottawa. “[Employers] want to know the lawyer doesn’t just want a job but sees this as a career. They want lawyers to understand this is a business.”

The old standby—superior grades—has limited appeal in a highly competitive market. “It’s easy to be impressed by the need for top marks, but the focus quickly changes to client development, marketing and rain-making skills,” Shore said. “You learn it’s really a business. You have to be entrepreneurial.”

The well-typed résumé also has limited selling appeal when the number of jobs dwindles. Other approaches are necessary. Ohnjec points to the need for effective networking. “It’s important to have a plan with respect to the area you want to practise in and connect with people. Go to conferences. Call people—even senior people. It’s pleasantly surprising how willing senior members of the bar are to discuss this,” he said.

Shore highlights another area that can distinguish candidates at all levels: an understanding beyond our borders. “Firms have evolved to an international platform,” she noted. “Lawyers have to be more attuned to cross-cultural issues. Those are new dynamics.”

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## What’s hot

The job market for lawyers may have cooled in the wake of the global recession, but some fields remain hot. According to the 2012 Robert Half Professional Employment Report, the winners are:

**Litigation.** A surge in corporate and commercial litigation is generating the need for associates and legal support professionals with litigation expertise, as well as skilled lawyers, JDs and law clerks who specialize in e-discovery and document review.

**Corporate law.** An increase in business activity continues to create demand for lawyers and legal support professionals with experience in a variety of matters associated with general corporate and business law.

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