

Navigating Law Firm Mergers: A Checklist for Legal Recruiting Professionals

By Christine Whitehead and Jacki Herzog

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Law firm mergers trigger a range of emotions — uncertainty, fear, anxiety, and even grief. Given the increase in the number of law firm mergers in recent years, it is likely that you or someone you know has gone through, or will go through, this experience. While we all recognize that when faced with the prospect of a merger, we will need to do something, we don't always know exactly what that "something" should be. This unknown is what triggers a variety of emotions. Concentrating on the three W's —

what you need to know, **when** you need to know it, and **why** this knowledge is important — provides structure, clarity, and a path forward. Combining two firms is a massive undertaking and not something that is done overnight or even totally complete at the time of a merger. The following serves as a guide and checklist for legal recruiting professionals whose firms are in the process of a merger and can also serve as a guide for those anticipating a merger in the near future.

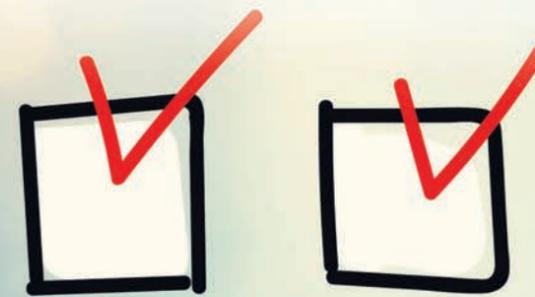
Ask to be part of any merger conference calls. Participating in those calls by just listening will provide you with insight into firm cultures, processes, and the key players.

Identify who is managing the attorney hiring at all levels and also who is managing the vetting process for the other firm. Each firm has its own protocol when

it comes to hiring. There will be similarities and differences. At this time, the key is to determine who is involved in the vetting and hiring and to identify what factors are used in the decision-making process.

Outline each step of your firm's hiring process for each level of hire. Be prepared to communicate these processes to the firm

Continued on page 20



leadership of both firms since they may need to assess which parts of each firm's process will be used in possibly creating a new hiring process post-merger.

Identify which IT/ATS systems are used by each firm. Some systems will continue to operate separately post-merger until a common system can be identified and put into place. Be prepared to explain the

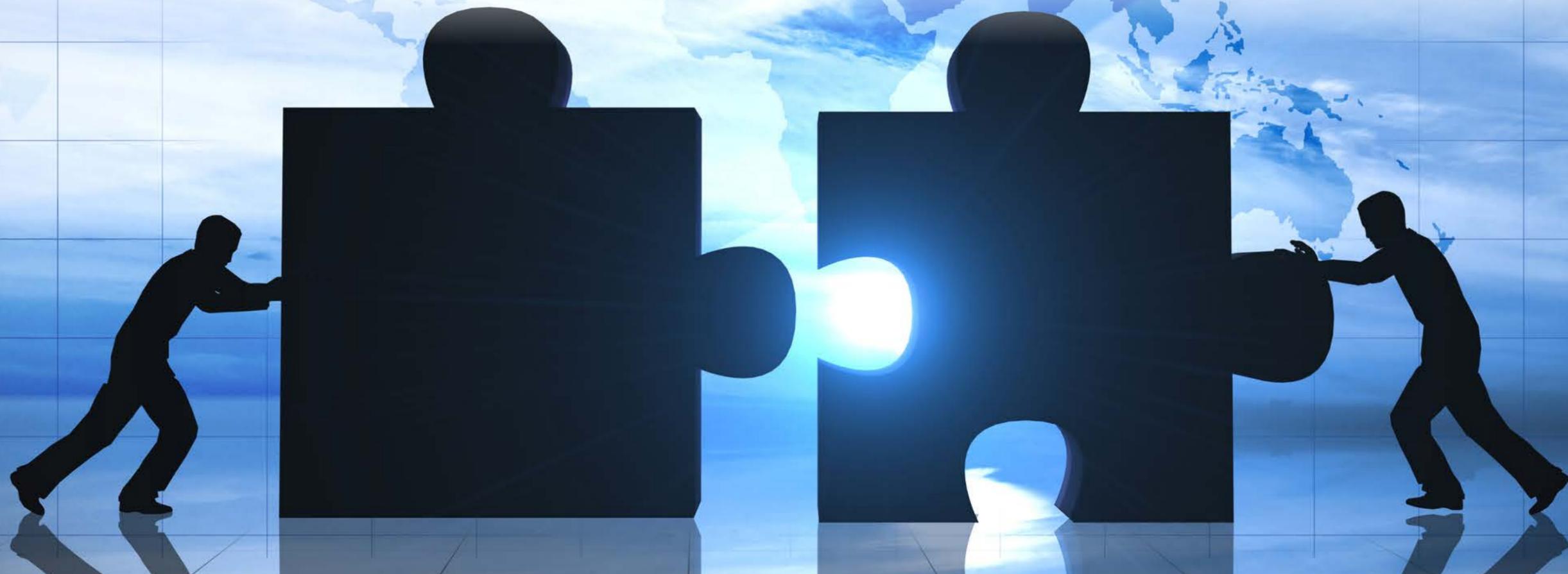
features of your applicant tracking system and help to identify the features of both firms' systems that are attractive — and, ultimately, which system to recommend using post-merger.

Review all application documents to create a new set for post-merger activity. In addition to reviewing the hiring processes, it is important that new application documents be available immediately post-

merger. Especially if the merger includes offices in new locations, it is important to work with your General Counsel's office to insure that these new documents comply with laws in all jurisdictions. Also, with the expansion of both salary history legislation and ban the box legislation, it is vital that your legal recruiting team understand any updates and/or changes to compliance as a result of the merger.

Messaging to your recruiting team about the future. This is one of the most sensitive areas. When firms merge there may be a duplication of roles, and some may feel apprehensive. When one firm is smaller in size or when there will be new office locations, the duplication of roles may be limited. When moving into new locations,

Continued on page 21



look at the new team members as adding value. It is when there is a merger of firms equal in size that apprehension strikes hardest. Communication is key during these fragile times.

Compare the hiring needs for both firms.

As typically happens, certain current hiring needs of one firm may be met once the merger is complete. Many times, firm leadership will have discussed needs that will remain post-merger. As recruiters, your team should be familiar with the other firm's strengths and weaknesses in terms of practice areas and industry sectors. Being able to communicate this information to the practice area leaders will help guide their assessment of the needs that will exist post-merger. In addition, this will permit the recruiting team to prepare for any new recruiting needs on day one and to then recruit effectively.

External messaging — what, how, and when do you speak with candidates and peers? During merger discussions, there is

bound to be a lot of chatter, as well as numerous assumptions, about why two firms are merging and what it will mean for all involved. Since firms involved in a merger often prepare a consistent message (both internally and externally), be sure you are aware of the message and how it should be delivered. Each member of your team needs to be well versed in order to answer questions from search firms, candidates, colleagues at peer firms and law schools, and even colleagues within your firm.

Merging your external contacts and fee agreements is important for day one.

During the merger process, it is important to review all fee/placement agreements. Duplicate agreements should be updated so that the search firms understand which agreement remains in place and which agreement is no longer valid. Be prepared to provide clarity to recruiters, both internally and externally, as to which placement agreement is in play with candidates who are in process pre-merger and remain in process post-merger. In addition, work with

the appropriate firm management to merge other contracts such as with attorney database software, job posting sites, and even NALP memberships.

It's our habit to want to continue to use that which is most familiar, but you need to look forward to see what will best help your team as you work to accomplish the objectives of the firm post-merger.

Understand how conflicts may change as a result of the merger. If the merger includes new jurisdictions, new conflicts guidelines may be put into place. If you interact with your firm's conflicts team, understanding

these guidelines will be important in recruiting anyone who may have prior client exposure.

Put your post-merger legal recruiting process into play and create one cohesive team.

It's our habit to want to continue to use that which is most familiar, but you need to look forward to see what will best help your team as you work to accomplish the objectives of the firm post-merger. Scheduling a legal recruiting retreat will help acclimate and unify new members of your team.

Ultimately the objective of a firm merger is to take the best practices of both firms and work toward a common goal of successfully recruiting attorneys at your newly combined firm. Knowing what needs be accomplished pre- and post-merger will help alleviate some of the unknowns and allow everyone to remain focused on the end goal — a successful merger with everyone supporting the vision of the combined firms. ■