

WIN : WIN

How Law Firms Leverage Outplacement and
Transition Coaching to Protect Employer Brand



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We are proud to have been awarded a Best of 2018 ranking by the New York Law Journal and The Recorder for Legal Outplacement and Career Transition Provider.



Volta Talent Strategies LLC is certified as a Minority-Owned Business by the National Minority Supplier Development Council (NMSDC) and as a Women-Owned Business by the Women's Business Enterprise National Council (WBENC).

WHAT IS OUTPLACEMENT?

A BIG PICTURE DEFINITION

Outplacement is an advisory service provided to an employee who is leaving an organization – typically due to an involuntary separation.

In the case of law firms, outplacement is often used to assist attorneys who, while in good standing, have no future at the firm. By providing outplacement, law firms support the employee in a job search to ensure a smooth transition and good landing. Outplacement may also be referred to as transition coaching or career coaching, and the word counseling may often be used in place of coaching.

Outplacement is generally provided by an external consultant and paid for by the employer, often as a part of a severance package. In the legal community, outplacement may be offered both to lawyers – individuals at all levels of seniority, from junior associates to senior partners – as well as business services professionals.

There are various ways in which outplacement services are deployed. At one end of the spectrum, outplacement is customized to the individual (referred to in this paper as the “counselor” or “lawyer”) and is rooted in a one-on-one relationship between the counselor and their outplacement coach. At the other, outplacement is highly standardized and delivered in a group format, offering high-level guidance on job search best practices.

Outplacement may be modular or packaged, and the delivery may be in-person or remote (or a blend of the two). Given the array of approaches available, outplacement services are not all the same in terms of content and quality, and as a result, there is an element of *you get what you pay for*.

Outplacement services are typically time-based, often spanning three months to a year. Whether custom or standard, outplacement coaching typically follows a predetermined methodology and offers a structured approach to the lawyer’s reorientation to the job market and job search process.

For purposes of this paper, we focus primarily on one-on-one outplacement coaching, as law firms tend to choose this type of transition support for their lawyers.

THE SPECIFICS

Substantively, outplacement typically includes career audit and evaluation, assessments, market research, editing of job search materials and social media presence, networking strategies, interview preparation, troubleshooting and offer negotiation.

Career Audit and Evaluation

Counselors enter the outplacement process with varying degrees of clarity as to what they would like to pursue in their job search. Some would like to secure a job that is similar to the one they are leaving, while others may decide to pursue something new or may not be clear on what they would like to do. Particularly with custom, one-on-one outplacement programs, the process typically begins with an assessment of the counselor's career path, goals and a discussion of options.

Assessments

When a counselor enters the process with well-defined goals for their search, assessments are less relevant. However, when a counselor is unclear on what career path they would like to pursue, the coach may administer one or more assessments to help the counselor identify or clarify their strengths and preferences (e.g., the Myers-Briggs Type Indicator® and the Strong Interest Inventory®).

Market Research

Once the coach and counselor are clear on the counselor's job search goals, it is up to the counselor to conduct market research to identify opportunities. The coach may, where appropriate, assist the counselor with this research process to bolster the counselor's efforts.

Editing of Job Search Materials and Social Media Presence

The coach typically offers a comprehensive review of resumes, cover letters, deal sheets, social media profiles (LinkedIn) and any other materials the counselor may use over the course of their job search. The coach does not draft these documents for the counselor – as the documents should still reflect the counselor's style and voice – but the coach can be instrumental in revising and refining these documents in order to maximize their effectiveness.

Networking Strategies

It is widely reported that over half of new positions are secured through candidates' networking efforts and personal connections. It is therefore imperative that coaches guide their counselees through the networking process, helping them to identify and expand their contacts and offer advice on appropriate approaches when reaching out to contacts. This is often an area of discomfort and can be overwhelming for a counselee. The coach's role is to demystify the process and offer tangible and achievable networking advice and goals.

Interview Preparation

Coaches help counselees prepare for their interviews, by way of a mock interview and/or a robust discussion of questions that will likely come up in the course of the interview process. The coach will also prepare the counselee for different types of interviews (e.g., phone, video, behavioral) with different types of employers (e.g., law firms, in-house, government, etc.).

Troubleshooting

Throughout the course of the counselee's job search, the coach is available to help them troubleshoot issues that come up along the way, often focusing on discrete, time-sensitive questions for which the counselee could benefit from the coach's input and advice.

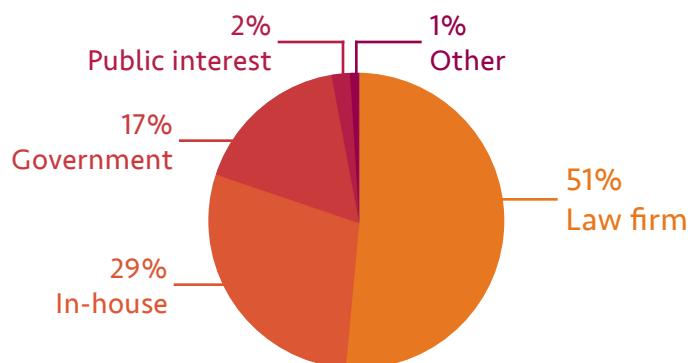
Offer Negotiation

Once the counselee receives an offer, the coach can help them assess the offer and whether it may be advisable to negotiate the offer. If so, the coach and counselee will strategize on how the counselee should approach the negotiation process. In the outplacement process, the first offer received may not be the counselee's first choice, and the coach is a valuable resource for helping the counselee decide whether to accept the offer or continue looking and, if appropriate, how to leverage the offer in relation to other opportunities.

2018 OUTPLACEMENT EMPLOYMENT STATISTIC SNAPSHOT

WHERE DO OUTPLACED LAWYERS FIND NEW EMPLOYMENT?

Based on a survey of Volta counselees, outplaced lawyers find employment in a variety of industry sectors.



WHY DO LAW FIRMS REFER LAWYERS FOR OUTPLACEMENT?

WHAT OUTPLACEMENT ISN'T

Outplacement providers are neither search firms nor placement agencies. It is worth clarifying this for the counselee at the outset as there is a common misconception among some counselees that their outplacement coaches are there to find them job opportunities. Coaches instead offer comprehensive support and guidance in a counselee's efforts to secure their next position. In doing so, the counselee will end the process with a wide array of job search and networking skills that will serve them well throughout the rest of their career.

A law firm typically refers a lawyer for outplacement for one of three reasons:

1. There has been a shift in the lawyer's practice area such that there is no longer a business case for the lawyer's continued employment. This may be due to (a) a change in market conditions leading to a decline in work that is not expected to improve, (b) the departure of a partner or partner(s) who were the main providers of work to the lawyer or an overall shift in practice focus such that the lawyer's particular area of expertise is no longer a good fit for the office or firm.
2. A determination has been made that the lawyer will not be making partner and it is not feasible to keep them on as a senior associate or counsel.
3. There is a performance issue that cannot be resolved satisfactorily within an acceptable timeframe or that makes it undesirable for the firm to continue employing the lawyer.

On occasion, a law firm will also refer for career coaching a lawyer who is looking to leave the firm. Typically this happens when the lawyer concerned is engaging in an open dialogue with the firm about wanting to move on to their next opportunity. A firm may choose to support the lawyer in those efforts – seeing it as an investment in the alumni relationship.

WHAT'S THE BUSINESS CASE?

There are a number of business reasons a law firm chooses to invest in outplacement services:

Protecting employer brand: It is in any employer's best interest to offer employees comprehensive career support through the course of their employment – starting with the recruiting and onboarding process and ending with the conclusion of the employee's time with the employer.

It is impossible to say with any certainty how a lawyer will feel after being outplaced. Outplacement is a wise investment in protecting a law firm's brand by easing the strain of a departure, especially if it is involuntary. Generally speaking, a lawyer who has a negative departure process will most likely be less inclined to refer work than a lawyer who leaves their firm feeling supported and knowing that the firm took proactive steps to make their departure as positive and seamless as possible.

potential firm ambassadors in the market. They may be contacted by friends and other professional contacts who are contemplating employment with the firm; or, who may be looking to understand what the firm's capacities and qualities are. Similarly, the lawyer may land in a company that may have future in-house hiring needs that could be met by other firm lawyers looking to transition in-house. The more positive a lawyer feels about their departure from the firm, the greater the likelihood that the lawyer will take advantage of future opportunities to give back.

Protecting firm culture/morale: In situations where there is a performance issue or other factors that may affect a lawyer's status and relationships and/or productivity within their practice group or office, that lawyer's continued presence may begin to take a toll on team morale. Offering outplacement support can expedite the lawyer's departure in a proactive and positive way, which will ultimately have a positive, albeit indirect, effect on the team.

Business development: An important and valuable source of potential business is firm alumni who have moved to an organization where they are in a position to influence or direct the choice of external counsel. This may happen as the lawyer's immediate next step or later on in their career. In either scenario, the lawyer is more likely to be supportive of their prior firm and, in a best case scenario, send work to the firm if the relationship was and remains positive.

Investment in the firm's alumni network: It serves a firm well to have a robust alumni network for purposes beyond business development. By way of example, former lawyers are still

Risk management: Outplacement services are often offered as part of a severance package, which offers outplacement and possibly other incentives (e.g., extended time on the firm platform, ongoing compensation for a defined period of time) in exchange for a lawyer's release of claims against the firm.

Eases the partner's decision-making process: As much as a partner may understand the business case for letting go of a lawyer, it may nonetheless be difficult for the partner to make the decision to let go of a member of their team, even if the need is pressing. Offering outplacement services can help ease a partner's mind, knowing that the associate will be in good hands during their job search and supported through their transition.

Expedites the lawyer's search process and improves outcomes: Even in situations where a firm may suspect that a lawyer's job search process is already underway, outplacement support can enhance and accelerate the lawyer's search efforts. This is particularly the case for a lawyer who decides to pursue something other than a position with a similar firm (e.g., in-house roles, smaller firms, government positions, etc.). When moving to a different kind of environment or role, the lawyer may not fully understand how to engage in an effective search, and so benefits greatly from the opportunity to partner with a coach who has the requisite knowledge and experience.

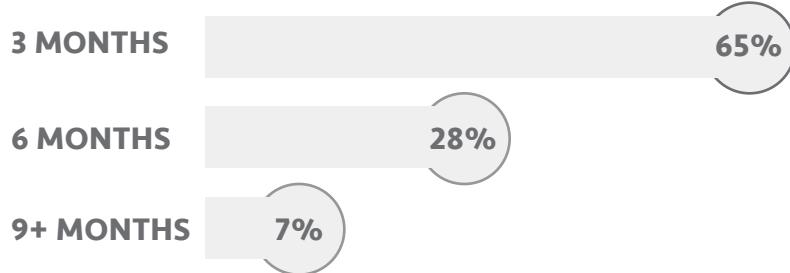
Attorney expectations: More and more firms offered outplacement during and after the recession. As a result, outplacement coaching is now typically a feature of involuntary departures and is expected by lawyers being outplaced, particularly at larger law firms (i.e., Am Law 100 firms, extending into the Am Law 200). Essentially, outplacement has become part of the social contract between employee and employer.

Cost: The cost of the outplacement fee is a fraction of the cost of keeping an attorney on the firm's payroll. The attorney has a much higher chance of transitioning in a reasonable amount of time if they have the resource of a coach – thereby saving the firm money in the long run.

2018 OUTPLACEMENT EMPLOYMENT STATISTIC SNAPSHOT

HOW LONG IS A TYPICAL JOB SEARCH?

Based on a survey of Volta counselees, a typical job search lasted...



HOW CAN A FIRM MAXIMIZE THEIR INVESTMENT?

In order to increase the likelihood of a successful outplacement process, various factors need to be considered.

1. Lawyers are best positioned to shift their focus to their job search if they have clarity and appropriate information at the outset. Ideally, the following should be part of the initial conversations regarding departure from the firm:
 - If possible, a lawyer should be given a clear end date during the initial meeting. Absent this clarity, the lawyer may defer starting their job search, which can become problematic later in the firm's outplacement process.
 - The lawyer should be made aware of expectations regarding their ongoing workload, e.g., whether they are expected to keep working and billing or to begin transitioning their matters and avoid taking on any new work. If the lawyer is not expected to take on new work, it needs to be clarified whether they are still expected to attend the office each day.
 - The lawyer should be told who is aware that they are being outplaced. In doing so, they know with whom they can speak freely about issues such as transitioning their work as well as seeking support with their job search. If partners and others do not yet know, the firm should let the lawyer know when and how this will happen. It is also important to clarify whether the lawyer is at liberty to disclose their situation to their colleagues.
 - The lawyer should be made aware of any plans for other communications, e.g., who will inform clients, when and what reasons (if any) will be given for the departure?
 - The lawyer should be told how references will be handled, e.g., to whom they should direct requests for references and what any reference will say.
 - If the lawyer is not already aware, let them know of any internal job search resources, e.g., an internal referral system for in-house and other job opportunities.
 - Clarify for the lawyer who their primary internal contact should be for any questions and issues that may come up during their transition period. This is often someone on the professional development team and may also be a partner.

2. To the greatest extent possible, initiate the transition process on a timeline that sets up the lawyer for success. Terminations during the summer or leading into the winter holiday season can make a job search challenging.
3. It is tremendously helpful if a lawyer is able to leverage the firm's partners and internal network to get beyond or around search firms, especially for in-house opportunities that are often not available through headhunters. As an ongoing matter, consider how much help the partners can and should offer in regard to placing departing lawyers with clients. Along these same lines, the firm should inform the outplacement coach if there are issues of poor performance since this informs the extent to which the lawyer can realistically expect support and referrals from partners. It will also help the coach to steer the lawyer away from reaching out internally for this type of support from the firm.
4. With respect to senior lawyers (10+ years of experience), it is important to recognize that the job search process may often take longer, and thus it may be worth investing in a longer outplacement program (6+ months).
5. The firm should continue to support lawyers throughout the transition process, ideally through regular check-ins from professional development, HR and/or relevant partners. Some lawyers we have coached have reported that after receiving their outplacement message, they experienced ongoing awkwardness with colleagues (partners in particular), which left them feeling less supported by the firm. This in turn can create resentment on the part of the departing lawyer and undermine the intention of providing outplacement support and the investment made by the firm.

2018 OUTPLACEMENT EMPLOYMENT STATISTIC SNAPSHOT

HOW DO THEY FIND THEIR NEXT POSITION?

Based on a survey of Volta counselees, outplaced lawyers found their next role through...



GETTING AHEAD OF OUTPLACEMENT

There are steps that firms can take to both minimize the eventual need for outplacement and to make the outplacement process more positive and seamless when the need does arise.

Some firms take the additional step of explaining at the outset that the firm will provide support if a decision is reached that it is the lawyer's time to move on to another opportunity. If transition and outplacement support are a part of the conversation from the beginning, it can lessen the negative impact down the road if a lawyer receives an outplacement message.

Improve feedback systems to increase the likelihood that good performance is acknowledged and reinforced and any unsatisfactory performance is addressed more quickly. Several law firms have started to move away from the traditional annual or bi-annual evaluation approach, and instead offer more regular feedback so that lawyers always know where they stand and can course-correct sooner.

Engage in transparent career conversations, both in terms of professional development and career trajectories. It is a growing trend among law firms to engage in an open dialogue with new and lateral associates to lay out their professional development path, and also to let them know that, given the realities of the typical legal career, their career path may involve changing employers to achieve their career goals. Having this type of candid conversation can, insofar as practicable, facilitate active career planning where the firm supports the lawyer in getting specific experience that will be valuable for a transition to an in-house or government role.

Take a critical look at the firm's process for hiring summer and lateral associates to ensure that the recruitment and selection processes identify successful hires as effectively as possible. Track departures over time and evaluate whether any themes emerge that indicate the need for changes in the ways the firm assesses candidates (or develops lawyers after they are hired).

Offer coaching. Providing access to an outside provider would allow associates to work confidentially with an external career coach on career and performance issues as they arise. Additionally, by offering coaching early, high performers can have the opportunity to address their skills development before it becomes a problem.

Invest time and resources into a comprehensive mentoring program, which may be comprised of both formal and informal mentors. We regularly hear from lawyers how critical their mentors have been with respect to their professional growth and development.

ABOUT US

Volta Talent Strategies is a leading consulting firm in the law firm talent management arena. We advise firms on initiatives and programs designed to support the recruitment, development and retention of their lawyers. We have one of the largest specialized lawyer coaching and career counseling teams in the U.S.

Our team of consultants, coaches and counselors works with firms across the U.S. including Boston, Chicago, Los Angeles, New York, Philadelphia, San Francisco and Washington D.C. We work with over 90 law firms, including more than half of the Am Law 100, providing career and executive coaching, consulting and training services. We are certified as a women-owned and minority-owned business.

For inquiries regarding our specialist career coaching and outplacement services for lawyers, please contact:

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