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Outplacement Issues in a Very Difficult Economy: Effective Strategies for Minimizing the Pain

Some things to do/avoid doing:

- Centralize and rationalize the process.
- Be open and honest about the situation. Don't pathologize good lawyers, as that will only create enemies for your firm.
- Clarity is key. Provide information in writing regarding: salary continuation/ severance, references, health benefits, use of office services, current and future work assignments, and outplacement benefits.
- Consider unbundling severance time from severance money if the lawyer is employable in this economy. Job searching is not a full time job, and continuing to work is helpful in the interviewing process.
- If large numbers are involved, lump sum severance and total transparency has benefits for both the firm and the affected lawyers.
- Connect the affected lawyers to outplacement specialists immediately, or make sure that your in-house career counselors are well-trained and have a solid understanding of the current marketplace for lawyers.
- Do not refer lawyers to headhunters as a substitute for outplacement or career counselors. Many otherwise employable lawyers are made unemployable by relying on headhunters, rather than by working with career counselors who can help them to network, functionalize their skills to move into new substantive areas, and develop business plans.

Potential pitfalls of trying to do outplacement in-house:

- Conflicts of interest between the outplaced lawyer and the firm.
- No safe outlet for discussion of personal/emotional/financial issues. Law suits are often filed because the lawyer has not opportunity to vent his or her frustrations.
- Institutional hubris: Your firm's partners believe that they can "place" people, but they are usually mistaken about that.
- Limited or no knowledge about anything other than "square peg for square hole" types of jobs.
- Over-reliance on headhunter lists and on-line job sites; most won't find their next job by either of those means. Establishing a direct relationship with a headhunter for outplacement is both ineffective and unethical—for what should be obvious reasons.)
- In house outplacement rarely works well in a bad economy.

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The important roles of law firm legal personnel professionals in the downsizing process:

- Centralization of the process, and serving as the key link with outplacement providers.
- Being the voice of reason with your firm’s management about the changing realities of the employment situation for your affected lawyers.
- Conveying the message on a day to day basis that being fair is not just humane; it is also good business.
- Providing insight regarding “best practices” of other firms.
- Keeping up to date a password-protected portion of your website for your departing lawyers, including: links to online resources, job listings from clients and firm alumni, and contact information for alumni and attorneys in the firm who have the ability and willingness to provide assistance.
- Serving as a liaison between your law firm and your feeder law schools regarding the impact of the downsizing on the firm’s reputation with students.
- Assisting firm management in its communications with your remaining lawyers regarding your firm’s strengths and plans for the future.

Questions to ask and factors to consider in selecting and using outplacement counselors for your law firm:

- Do the counselors have appropriate training and significant experience working with large firm lawyers?
- Do they have a clear understanding of the marketplace in your geographic area, and a strategy for assisting lawyers that is not limited to referring them to headhunters?
- Do they provide assistance in a variety of modalities, including individual counseling sessions, group meetings, and up to date web-based resources?
- Are they overextended? Can they sincerely promise that a qualified person will be able to respond to an email or phone call within 24 hours?
- Are they good listeners?
- Do they have the professional maturity necessary to be credible to your lawyers?
- Do you like them? Would you trust them with confidential information?
- Do the counselors express a sincere interest in learning about ways in which they could partner effectively and appropriately with your firm’s professional development personnel?
- Can they tell you “success stories” and supply you with excellent references?