

## Partner Title Can Help Mid-Law Attract 'Stunted' Associates

By Emma Cueto

Law360 (April 11, 2022, 1:04 PM EDT) -- Just as with BigLaw, the practice of hiring associates into partner roles is on the upswing in Mid-Law, with data from Firm Prospects showing that the number of such hires among mid-size firms doubled between 2020 and 2021 – and with experts saying such a hiring strategy can help smaller firms pick up quality talent.

For associates who feel frustrated with barriers to partnership that often exist at the biggest law firms or who have ambitions to move ahead sooner rather than later, taking a partner role at a Mid-Law firm can be an attractive option, experts told Law360 Pulse.

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Adam K. Oliver

Managing director,  
Firm Prospects

And at a time when demand for talent is high, Mid-Law firms seem to be increasingly willing to make such offers, with firms such as FisherBroyles LLP, McKool Smith and Wiggin and Dana LLP bringing on multiple associate-to-partner laterals over the last three years.

"We've absolutely seen an uptick in associates making partner upon moving firms," said Elaine Oh, a senior recruiter with The Foster Group Legal Search. She added, "I think that being able to come in as a partner, especially if you've felt stunted in your career ... at one of these top firms, is very attractive to candidates."

Overall, data from Firm Prospects indicates that the share of associate-to-partner lateral hires has increased about a third among AmLaw firms since 2019. For the AmLaw 200, the practice accounted for 0.94% of total hires in 2019, but grew to 1.17% in 2020 and 1.25% in 2021.

Moreover, data shows that hundreds of these hires moved from AmLaw firms to non-AmLaw firms.

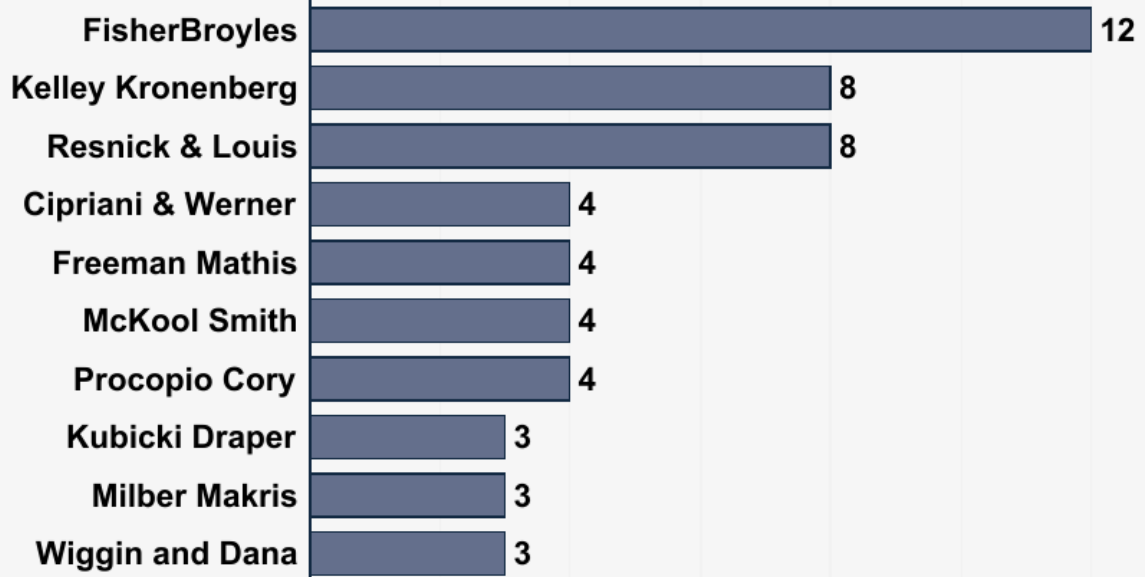
Firms with 100 to 300 U.S.-based attorneys brought on a total of 30 such partners in 2019, 25 in 2020 in a year when overall lateral recruiting dropped, and 50 in 2021 as the talent wars ramped up.

"Even though [it's] on a smaller scale than what we saw with larger firms, who got most of the attention related to the hot hiring market of 2021, the year-over-year increases in associate-to-partner lateral hires with mid-size firms reflects the very robust hiring that we saw in 2021," Adam K. Oliver, managing director of Firm Prospects, said in an email.

The Mid-Law firm with the highest number of associate-to-partner laterals was FisherBroyles, which does not have associates, with 12, followed by Kelley Kronenberg and Resnick & Louis PC with eight apiece over the last three years.

## FisherBroyles Tops Mid-Law Destination Firms

FisherBroyles brought on more former associates as partners over a three-year period than any other firm with between 100 and 300 attorneys.



Source: Firm Prospects



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"Here in the New York market, we're seeing it for sure," Oh said, saying that her impression is that the hiring practice has been increasing. "We do a lot of work [with candidates] who are at a transition period ... who are looking to advance their career and find the right platform moving forward."

Larry Watanabe, a California-based recruiter, echoed this sentiment, saying that since the pandemic, many firms have been utilizing this strategy in response to the excessive level of work and billable matters firms are tackling.

"Without question ... smaller and the AmLaw 200 firms have been most prominent utilizing this strategy, [but] it does pertain to the larger more profitable firms as well," he told Law360 in an email.

However, for mid-size firms, this strategy can be particularly effective in luring away talent from some of the major players.

Laura Dutt, chief talent officer at Benesch Friedlander Coplan & Aronoff, whose ranks only recently surpassed the 300 mark, said that the firm has found success with such offers. Benesch has brought on seven such laterals since 2019, according to the Firm Prospects data.

## Moving Up: Partner Status One More Tool In Hunt For Recruits

In recent years, partnership has been a carrot that law firms have increasingly used to attract top talent. Working with data from Firm Prospects, Law360 Pulse examines that trend and the firms most inclined to welcome promising associates with a place in their partner ranks. See the complete package [here](#).

"Contrary to what some of the market intel might say about how interested this generation of associates are in partnership, it still seems to be a pretty successful recruiting tool," Dutt said.

Benesch has clearly defined criteria its own associates must meet in order to become salaried partners, Dutt explained, and the firm is able to apply those same criteria to outside candidates as well. If a candidate indicates up front that he or she would only be interested in a partner role, the firm will evaluate if that is a possibility, she said; otherwise, the firm will first talk to a candidate and, if it seems like it might be a good fit, decide what the appropriate title might be.

The firm also has existing programs for its newly minted, homegrown partners that such candidates would be able to take advantage of, Dutt said, helping to ensure that they integrate into the firm and the new role successfully.

For candidates who are tenth- or eleventh-year associates at major firms, she said, the move often makes a lot of sense for both parties.

This can be especially true for middle-market firms that have less bureaucracy and fewer barriers to making partner, Oh said.

She said as an example that she recently placed a senior associate coming from an AmLaw 25 firm in a firm lower down in the rankings that offered him a partner title.

"He was a senior associate there for many, many years, and what we find is that at those types of firms, it's just that much harder to make partnership," Oh said. "And he wanted to, of course, continue advancing his career ... As he started developing his own practice, [he] definitely started finding some impediments."

And despite moving to a lower-ranked firm, she added, he also was very pleased with the move.

"That was absolutely a lever the firm used to get him in the door," Oh said.

Josh Shirley, a managing director at Kinney Recruiting, said that this matches his experience as well. Many of the cases he's seen, he said, have involved associates who weren't put up for partner in the year they expected.

"It can give a mid-size or regional firm an edge," he said.

In addition, he added, the title bump also can help take the focus off compensation, where such firms are often unable to match the bigger players.

Overall, Oh and Shirley said, smaller firms do need to offer more than a title bump to lure away talent from BigLaw.

"I wouldn't say this is the end-all be-all strategy," Oh said. "There are a lot of other levers that they pull. I would say it is a successful strategy depending on the firm." It's important for a firm to be able to address the "pain points" of a particular candidate, she said. For some that may be career stagnation, for others it may be something else.

But offering a partner title can be enough to put a firm over the edge at a time when demand for talent is extremely high.

"A lot of attorneys just naturally see making partner as the progression they expected from their career," Shirley said. "It's the next stepping stone."

If they can get there by going to a smaller firm, he said, many will take that chance.

--Graphics by Jonathan Hayter.