

RISK OF PURSUING THE RELOCATION CANDIDATE



THE CORE ASSET: PERSONNEL

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By **Jeffrey Brochin, Esq.**

GreenPoint>
Law & Compliance

william.anderson@greenpointglobal.com | pranav.menon@greenpointglobal.com

International Corporate Center, 555 Theodore Fremd Avenue, Suite A102 Rye, NY 10580

www.greenpointlegal.com

In an era where remote work is becoming quite commonplace, and teams typically work cross-border, it might seem as if the need to consider relocating a candidate to your firm's home office or to a satellite office makes little sense. Yet, there are still advantages to bringing that particular sought-after candidate 'in from the cold.' We will examine the plusses and minuses of hiring an out-of-state or out-of-country candidate.

Fear of Flying Expenses

One obvious reason why a firm might wish to avoid bringing on board an out-of-state candidate is because of the perception that the cost will be prohibitively expensive, even just for the interview. The initial interview process, however, is rarely conducted on-site these days, with more and more firms opting to make the first acquaintance via Zoom or some other internet-based video-conferencing. But interviewing aside, that still leaves the question of whether it is worth it to pursue the next steps in advancing the hiring process with a paid flight in to meet the candidate in person.

While small- and even some mid-sized firms might understandably shy away from incurring such an expense, for larger firms, the expense is given little notice when the potential to snag a top legal talent is the desired outcome.

What If It Doesn't Work Out?

One of the risks cited by some firms as to hesitancy in recruiting out-of-state candidates is the possibility that the relocation will not work out from the lawyer's perspective, resulting in a 'return home' after a relatively short period of time onboard. For those candidates who have only lived in one place and in the midst of one social and cultural environment for their whole lives, making the

adjustment to new territory can indeed be quite challenging, and the failure to adjust along with its resulting unhappiness—or even homesickness—is not the sort of psychological baggage a manager wants in his or her new hire. This scenario happens with enough frequency that hiring managers are justified in their concerns.

Beyond Internet Diversity

As firms ratchet up the emphasis on diversity in their workplaces, cross-cultural diversity is recognized as a benefit to the overall health of a law firm. But while merely seeing or hearing the diverse associate or partner by way of a conferencing app might lend an air of cross-cultural character to a firm's operations, such long-distance association will never replace diversity in the office.

Particularly with respect to the out-of-country candidate, bringing in new—and subjectively 'foreign'—ideas can encourage a new perspective and new ideas and bring fresh creativity perhaps not considered in an otherwise monocultural environment. But even without going so far as to hire from across the ocean, lawyers from a different part of the country from where the otherwise homogenous staff come from can likewise offer insights not previously considered simply because of a different geo-cultural background.

“CANDIDATES WHO DON'T LIVE “IN THE AREA” OFTEN POSE A GREATER “FLIGHT RISK” (I.E., THERE IS A GREATER CHANCE THEY WILL LEAVE THE EMPLOYER SOONER). WHEN THIS HAPPENS, IT CREATES DISRUPTION – AS IT COSTS THE EMPLOYER MONEY, AND TIME TO REPLACE AND ONBOARD A NEW ATTORNEY.”

— Julie Q. Brush (aka The Lawyer Whisperer) a leading career strategist and advisor in the legal profession.

A Moving Millennial Market

Currently, 35% of the U.S. workforce is comprised of millennials; however, by 2025, 75% of the global workforce will be made up of millennials. What is the significance of those statistics? Millennials, in particular, not only have no problem relocating for a job but even relish the thought of traveling to new locales and do so somewhat regularly, even when the relocation is not in pursuit of a job. To capture this market as it pertains to lawyer candidates, a firm must be aware of the trend and recognize as a benefit the opportunity to bring in-house the well-traveled candidate who possesses a varied cultural outlook.

Not Just About the Employer

When considering the out-of-state candidate who is desirous of relocating to your city, consider what the candidate's motivations might be. If, perhaps, it is to be close to aging parents, then that weighs in favor of a strong bond—but also raises the specter of family distractions. If a candidate expresses interest in moving to be closer to a boyfriend or girlfriend, bear in mind that when the relationship fizzles, so might the commitment to continuing local employment. If a spouse is simultaneously relocating to your city, then the prospect of long-term engagement by that candidate with your firm increases.

Strong Local Candidates

Another factor which might influence a law firm against pursuing out-of-state hiring is the presence of an ample supply of strong, top-quality candidates

locally. If positions can be filled from the local talent pool, then there might be little incentive for the firm to look elsewhere. This can be especially true when hiring entry-level candidates. However, conversely, when looking to poach a particular legal talent—or even a practice group—from another firm or to bring over the book of a highly successful sole practitioner or small practice, then the economic incentive for relocation expense outlay sways the argument in favor of the relocation candidate or candidates. The more in high demand a particular talent is the more a firm will disregard the downsides and go with taking risks.

Relocation Expectations

It is, of course, a best practice to be totally upfront and transparent about your firm's readiness to cover relocation expenses. It would be a waste of time and resources for both the firm and the candidate to go all the way through the interview process only to find out that the candidate's expectations as to what would be covered as to relocation expenses was not in sync with the firm's policies. Whether recruitment is undertaken by way of a professional recruiter or by way of online or professional publication solicitation, the risk to the firm can be mitigated with full transparency as to this issue.

21st Century Melting Pot

In sum, the melting pot that made America great centuries ago via diverse immigration can likewise make the American law firm great in the 21st Century by replicating those integration and assimilation values shared by our forebearers.

Executive Summary

1. The Issue:

When is it worth the risk to pursue relocation candidates?

2. The Gravamen

Relocation candidates, whether from out-of-state or out-of-country, can bring a fresh set of ideas and innovation to any firm and, in general, should be warmly welcomed.

3. The Path Forward

Along with the benefits come certain risks, and those should be weighed as well in order for relocation hiring to be conducted responsibly.

Action Items:

1 Position Being Filled:

One of the first inquiries to be made before pursuing relocation candidates is what position is being filled. Often times filling entry-level positions might not demand looking beyond your immediate candidate pool.

2 Examining Local Talent:

In many cases, there is no economic incentive to look beyond the local field of candidates because quality legal talent can be found 'next door'.

3 In-demand Lateral Moves:

When looking to expand your firm's practice areas, considering out-of-state practices makes sense since the economic factors will outweigh the cost of relocating such talent.

4 Consider 21st Century Trends:

All other factors being equal, if attracting out-of-state or out-of-country candidates squares with your firm's diversity policies, then pursuing the relocation candidate will be a practical way to fulfill those directives.

Further Readings

1. <https://money.usnews.com/money/blogs/outside-voices-careers/2014/07/07/why-employers-dont-like-long-distance-job-candidates>
2. <https://www.thelawyerwhisperer.com/question/why-employers-prefer-to-hire-local-candidates/>
3. <https://www.ziprecruiter.com/blog/recruiting-out-of-state-job-candidates/>
4. <https://www.caprelo.com/insights-resources/program-administration/how-much-is-the-average-relocation-package-what-is-included/>
5. <https://www.davidsonmorris.com/employees-relocation-rights/>





Jeffrey Brochin, Esq.

GREENPOINT STAFF COUNSEL
AND CONTENT EDITOR

After receiving his Juris Doctor degree from The John Marshall Law School in Chicago, Mr. Brochin served as an Administrative Law Judge with the Illinois Department of Labor for six years where he presided over cases dealing with job separation issues and matters pertaining to contested Unemployment Insurance claims. He also co-wrote the agency's administrative rules, and periodically served as a 'ghost writer' for Board of Review decisions. Following that position, he was Director of Development for a Chicago-area non-profit college where he was responsible for High Net Worth donations to the institution. For the next eighteen years he practiced as a solo practitioner attorney with an emphasis in the fields of Real Estate law and Commercial Contracts transactions, and was an agent for several national title insurance agencies.

In 2003 he was recruited to head up a U.S. title insurance research office in Israel, a position he held for four years, and between 2007-2017 he participated in litigation support for several high-profile cases. He has taught Business Law as a faculty member of the Jerusalem College of Technology, and has authored a wide variety of legal White Papers and timely legal articles as a professional legal content writer for GPL clients. Separate from his legal writing, he has co-authored academic articles on Middle East security topics that have been published in peer-reviewed publications.



William H. Anderson, Esq.

MANAGING DIRECTOR AND HEAD OF
FINANCIAL PRODUCTS AND SERVICES

William Anderson is Managing Director and Head of Law & Compliance. He leads the GreenPoint practice in providing regulatory, legal, and technology solutions to law firms, legal publishers, and in-house law departments around the world, overseeing our team of experienced US attorneys and data and technology experts. Will has over 25 years' experience working with corporations to improve the management of their legal and corporate compliance functions. Will began his legal career as a litigator with a predecessor firm to Drinker, Biddle LLP. He then served as in-house counsel to Andersen Consulting LLP, managing risk and working with outside counsel on active litigation involving the firm.

Will has leveraged his legal experience interpreting regulations and appearing before federal (DOJ, SEC, FTC) and state agencies (NYAG) to oversee research and other areas at Bear Stearns. In this capacity, he counseled analysts on regulatory risk and evolving compliance requirements. Will also consulted on the development of a proprietary tool to ensure effective documentation of compliance clearance of research reports. Will then went on to work in product development and content creation for a global online compliance development firm pioneering the dynamic updating of regulated firms' policies and procedures from online updates and resources. Will holds a Juris Doctorate with High Honors from the Washington University School of Law in Saint Louis and is admitted to state and federal bars. He lives in Pawling, NY, with his wife and daughter.



Sanjay Sharma, PhD

FOUNDER AND CHAIRMAN



Pranav Menon, Esq.

LEGAL RECRUITMENT
MANAGER AND DATA
PRIVACY SPECIALIST – LAW
& COMPLIANCE | GPESR

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