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THE ANATOMY OF LEGAL RECRUITMENT IN INDIA: TRACING THE TRACKS OF GLOBALIZATION

Jonathan Gingerich†, Vikramaditya Khanna‡†, and Aditya Singh‡‡†

Abstract

Globalization is changing the Indian legal profession through, among other things, its effects on the corporate legal sector and legal education. Although these changes have generated considerable discussion, relatively little is known about one of the critical channels through which they are occurring – the legal recruitment process in India. Understanding recruitment is important not only because it influences the membership of the profession, but also because it serves as a bridge between the profession and legal education. In this paper we explore this topic through a detailed description and analysis of recruitment in the corporate legal sector in India as well as through a series of detailed interviews of those involved in it.

We find that recruitment processes at the elite law schools in India have changed substantially over the last 20 years. Prior to liberalization in 1991 most recruitment was rather ad hoc and geared to obtaining positions in litigation. After 1991 the recruitment process began to change to accommodate increasing demand from the corporate legal sector, which grew rapidly as the Indian economy increasingly interacted with global forces. This led to the current model where recruitment is largely organized through reliance on student run recruitment coordination committees (RCCs), which play important intermediation and facilitation roles for students and corporate legal employers. We explore the formation, structure, norms and functioning of RCCs in greater depth along with the question of why this recruitment structure may have developed in the 1990s in India.

However, recruitment processes in India have continued to adapt so that now there appears to be an emerging and somewhat more mixed recruitment model where corporate legal sector employers rely on student-facilitated processes, but also appear to be making greater use of internships, professional recruitment services, and in-service training. This, we argue, is associated with changes wrought by India’s increasing interaction with globalization over the last few years. Our analysis thus provides insights into India’s recruitment processes, how they have changed over time, the role of globalization in them, and the impact of (and on) the corporate legal sector and legal education in India.

† Jonathan Gingerich (jgingerich@ucla.edu) is a Ph.D. Student at the UCLA Department of Philosophy.
‡† Vikramaditya Khanna (vskhanna@umich.edu) is William W. Cook Professor of Law, University of Michigan School of Law.
‡‡† Aditya Singh (aditya.singh@aya.yale.edu) is an Indian-trained lawyer currently practicing international arbitration in New York.
THE ANATOMY OF LEGAL RECRUITEMENT IN INDIA: TRACING THE TRACKS OF GLOBALIZATION

Jonathan Gingerich†, Vikramaditya Khanna††, and Aditya Singh†††

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November 2014 Draft

I. Introduction

Globalization is changing the Indian legal profession through, among other things, its effects on the corporate legal sector and legal education. Over the last two decades we have witnessed the dramatic growth of the Indian corporate legal sector such that, now, the majority of graduates from India’s most elite law schools take positions in this sector rather than in litigation or government. In addition, legal education in India has changed and the elite law schools have increased their course offerings focusing on corporate, business, and international matters.

Although these developments have generated considerable discussion,¹ relatively little is known

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† Jonathan Gingerich (jgingerich@ucla.edu) is a Ph.D. Student at the UCLA Department of Philosophy.
†† Vikramaditya Khanna (vskhanna@umich.edu) is William W. Cook Professor of Law, University of Michigan School of Law.
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For this article we interviewed over fifty lawyers, human resources professionals, law teachers and administrators, and law students. We kept the interviews confidential so that those who we interviewed could speak frankly. We would like to thank all those we interviewed for this article from whose insights we gained considerably. We would also like to thank Nick Robinson and Utkarsh Saxena for contributing data on recruitment as well Sandie Ferrans, Raj Kumar, Jennifer MacLeod, Jane Schukoske, Dave Trubek, Umakanth Varottil, David Wilkins, and James Woolrich for their valuable feedback.

¹ Scholarship examining the impact of Globalization on the Legal Profession is a fast growing area. With respect to India, see David B. Wilkins and Mihaela Papa, Globalization, Lawyers, and India: Toward a Theoretical Synthesis of Globalization Studies and the Sociology of the Legal Profession, INT’L J. LEGAL PROF. (forthcoming), available at http://ssrn.com/abstract=2049506, as well as the other chapters in this book. Discussion is also active on the web in India as seen by two separate websites dedicated to legal issues in India – Legally India (www.legallyindia.com) and Bar and Bench (www.barandbench.com) and in print media. See Not Entirely Free, Your Honour, ECONOMIST,
about one of the critical channels through which these developments are occurring – the legal recruitment process in India. Understanding recruitment, however, is important not only because it influences the membership of the profession, but also because it serves as a bridge between the profession and legal education. Indeed, many of the effects of globalization can be traced through the recruitment process. In this paper we explore this topic through a detailed description and analysis of recruitment in the corporate legal sector in India as well as through a series of detailed interviews of those involved in it. Our analysis provides insights into India’s recruitment process, how it has changed over time and the role of globalization in it. This analysis connects to other chapters in this book, which examines the impact of globalization on lawyers in emerging economies (focusing on India), to obtain a deeper understanding of how globalization can impact the corporate legal sector and thereby the legal profession in an emerging economy.

This is a particularly opportune moment at which to explore globalization and recruitment in India because both the legal profession and recruitment processes in India have been undergoing a variety of changes. The profession has experienced substantial change as the corporate legal sector (including corporate law firms, in house departments, legal non-profits and legal process outsourcing firms) has grown and employers in this sector have begun to have a more significant impact. Recruitment processes at the elite schools have also substantially changed from the somewhat ad hoc system prior to liberalization in 1991 (which was geared to

placement in litigation) to a more structured, but student-facilitated, process (targeted at the corporate legal sector) to an emerging and somewhat more mixed model where corporate legal sector employers rely on student-facilitated processes but also appear to be making greater use of internships, professional recruitment services, and in-service training.

In addition to discussing these changes in recruitment and the interaction of globalization with them, we also explore one of the more fascinating aspects of corporate legal sector recruitment in India – the important role played by student-formed and run entities as intermediaries in the process. These entities perform a variety of tasks to facilitate recruitment (including many performed by career service offices in the US, of which there are very few in India) as well as much more. Student-run recruitment entities are largely the result of collective action by students at each school with little support from the administration, no direct compensation for the students running them, and little support from other sources. The formation, structure, norms and functioning of these student-run entities are matters we explore in greater depth in this paper.² We also explore why this structure of recruitment into the corporate legal sector may have developed in the 1990s in India. In addition, we also examine some of the commonalities and differences between recruitment in India and in other parts of the world.³

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³ For example, there is pressure to move recruitment dates earlier and earlier (e.g., from 6 months to 18 months prior to graduation), an increasing reliance on using internships as a way to hire individuals, and a lack of centralization in the process across schools (though a degree of centralization within the school). This bears some similarities to developments in the U.S. See Tom Ginsburg and Jeffrey Wolf, The Market for Elite Law Firm Associates, 31 Fla. St. U. L. Rev. 909 (2004).
Although our analysis provides insights into the current model of recruitment in India, even that model is undergoing change. As noted earlier, legal employers increasingly use mixed models of recruitment – relying in part on student-run entities and in part on more sophisticated screening by law firms and other third parties. Participants in the recruitment process are quickly adjusting recruitment structures. In light of this, we also explore some of the likely factors driving these changes in the recruitment process.

One of the key factors is globalization. We explore how increasing globalization and market growth in India are putting pressure on this system of recruitment and discuss potential changes on the horizon. For example, if the demand for law firm services continues to increase, perhaps with increasing globalization, then we might see Indian law firms growing larger. As law firms increase in size they are likely to find it more attractive to invest in recruitment efforts and thereby take a more active role in the recruitment process. Further, as the type of work law firms do becomes more complex (for example, due to increasing cross-border work or greater regulation in the Indian economy) they may want their new hires to be more informed about these matters, putting greater pressure on recruitment systems to assess complex legal skills and legal education to provide them (whether in law school or later at work). The impact of the recruitment process on legal education also allows us to explore how relationships between law firms and law schools are evolving and how changes in that relationship may impact the recruitment practices of schools, students, and employers.

Part II describes our research strategy and methodology. Part III describes the dominant model of recruitment in the corporate legal sector in India, and in Part IV we explain why this model developed. Part V identifies the pressures that the current model of recruitment faces from legal employers, law schools, and law students and highlights several important changes that the
recruitment function is likely to undergo in the near future. Part VI analyzes how globalization and market pressures might lead to changes in the broader relationship between law firms and law schools, with implications for how firms and schools approach the recruitment function. Part VII concludes.

II. Data and Methodology

We focus our study of recruitment into the corporate legal sector in India on those employers who primarily populate this field – corporate law firms (both domestic and international), legal process outsourcing organizations, legal non-profits, and corporate in-house legal departments – and the sets of students most likely to enter this field – graduates of elite, highly selective Indian law schools. We focus on these sets of likely employers and employees because they make up the bulk of the corporate legal sector in India.

For example, while India has over 900 law schools and colleges, we focus on a relatively small number of elite schools because it is primarily their students who populate the employee bases of corporate law firms and larger in-house departments in India and their students were more likely to take up jobs in sectors that did not exist twenty-five years ago or were dramatically smaller than they are now. In 2011, at the five most selective “national law schools” in India, sixty-nine percent of graduating students took “desk jobs,” which are jobs

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5 Some students also secure non-legal jobs with large international firms as management consultants or investment bankers. See Anumeha Chaturvedi, Recruitments Pick up Steam at Country’s Top Law Schools NLSIU,Nalsar, NUJS, ECON. TIMES, Nov. 5, 2013, http://articles.economictimes.indiatimes.com/2013-11-05/news/43695049_1_law-students-nlsiu-placements (noting that McKinsey & Co. has hired consultants from NLSIU and Bain & Co. plans to do so while Deutsche Bank has hired bankers from NLSIU and is considering hiring from NALSAR as well).
involving some sort of corporate legal work, and half took jobs with corporate law firms, international or domestic.\(^6\)

### Table 1: Placement of Graduates of the Five Most Selective Indian Law Schools in the 2011 Recruitment Season\(^7\)

<table>
<thead>
<tr>
<th>2011 Job Description</th>
<th>NLSIU</th>
<th>NALSAR</th>
<th>NUJS</th>
<th>NLUJ</th>
<th>NLIU</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Students accepting jobs with domestic law firms</strong></td>
<td>42</td>
<td>38</td>
<td>54</td>
<td>40</td>
<td>17</td>
</tr>
<tr>
<td>(55.3%)</td>
<td>(48.1%)</td>
<td>(55.7%)</td>
<td>(46.0%)</td>
<td>(21.8%)</td>
<td></td>
</tr>
<tr>
<td><strong>Students accepting jobs with foreign law firms</strong></td>
<td>8</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>(10.5%)</td>
<td>(3.8%)</td>
<td>(3.1%)</td>
<td>(1.1%)</td>
<td>(0.0%)</td>
<td></td>
</tr>
<tr>
<td><strong>Students accepting in house legal jobs, including LPOs</strong></td>
<td>13</td>
<td>16</td>
<td>18</td>
<td>15</td>
<td>16</td>
</tr>
<tr>
<td>(17.1%)</td>
<td>(20.3%)</td>
<td>(18.6%)</td>
<td>(17.2%)</td>
<td>(20.5%)</td>
<td></td>
</tr>
<tr>
<td><strong>Total students accepting “desk” jobs</strong></td>
<td>63</td>
<td>57</td>
<td>75</td>
<td>56</td>
<td>33</td>
</tr>
<tr>
<td>(82.9%)</td>
<td>(72.2%)</td>
<td>(77.3%)</td>
<td>(64.4%)</td>
<td>(42.3%)</td>
<td></td>
</tr>
<tr>
<td><strong>Students pursuing foreign LL.M.s</strong></td>
<td>5</td>
<td>8</td>
<td>5</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>(6.6%)</td>
<td>(10.1%)</td>
<td>(5.2%)</td>
<td>(6.9%)</td>
<td>(5.1%)</td>
<td></td>
</tr>
<tr>
<td><strong>Students seeking government jobs</strong></td>
<td>4</td>
<td>3</td>
<td>5</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>(5.3%)</td>
<td>(3.8%)</td>
<td>(5.2%)</td>
<td>(13.8%)</td>
<td>(9.0%)</td>
<td></td>
</tr>
<tr>
<td><strong>Students pursuing litigation</strong></td>
<td>4</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>(5.3%)</td>
<td>(8.9%)</td>
<td>(8.2%)</td>
<td>(10.3%)</td>
<td>(0.0%)</td>
<td></td>
</tr>
<tr>
<td><strong>Students pursuing other jobs, including fellowships and NGOs</strong></td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>(0.0%)</td>
<td>(2.5%)</td>
<td>(2.1%)</td>
<td>(0.0%)</td>
<td>(0.0%)</td>
<td></td>
</tr>
<tr>
<td><strong>Size of graduating class</strong></td>
<td>76</td>
<td>79</td>
<td>97</td>
<td>87</td>
<td>78</td>
</tr>
</tbody>
</table>

---

\(^6\) The five most selective law schools in India among the schools that use the Common Law Admissions Test (CLAT) are National Law School of India University (NLSIU) Bangalore, National Academy of Legal Studies and Research (NALSAR) Hyderabad, West Bengal National University of Juridical Sciences (NUJS) Kolkata, National Law Institute University (NLIU) Bhopal, and National Law University (NLU) Jodhpur. See Kian Ganz, *Old-School CLAT Pref Wobble as NUJS Gains on Nalsar; NLIU, NLU-J Locked Dead-Heat*, LEGALLY INDIA, June 16, 2011, [http://www.legallyindia.com/201106162164/Pre-law-student/old-school-clat-preferences-wobble-as-nujs-gains-on-nalsar-nliu-nlu-j-locked-dead-heat](http://www.legallyindia.com/201106162164/Pre-law-student/old-school-clat-preferences-wobble-as-nujs-gains-on-nalsar-nliu-nlu-j-locked-dead-heat). The institutions that use the CLAT include almost all of the National Law Schools, including the oldest of the National Law Schools. *Id.*

\(^7\) Figures in this table and the following table are self-reported by student run campus recruitment committees to *Legally India* and published at [http://www.legallyindia.com/tag/campus-recruitment](http://www.legallyindia.com/tag/campus-recruitment).
Table 2: Placement of Graduates of the Five Most Selective Indian Law Schools in the 2012 Recruitment Season

<table>
<thead>
<tr>
<th>2012 Job Description</th>
<th>NLSIU</th>
<th>NALSAR</th>
<th>NUJS</th>
<th>NLUJ</th>
<th>NLIU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Students accepting jobs with domestic law firms</td>
<td>34 (52.3%)</td>
<td>35 (48.6%)</td>
<td>40 (40.0%)</td>
<td>35 (43.8%)</td>
<td>18 (22.0%)</td>
</tr>
<tr>
<td>Students accepting jobs with foreign law firms</td>
<td>5 (7.7%)</td>
<td>3 (4.2%)</td>
<td>4 (4.0%)</td>
<td>0 (0.0%)</td>
<td>0 (0.0%)</td>
</tr>
<tr>
<td>Students accepting in house legal jobs, including LPOs</td>
<td>7 (10.8%)</td>
<td>8 (11.1%)</td>
<td>8 (8.0%)</td>
<td>9 (11.3%)</td>
<td>14 (17.1%)</td>
</tr>
<tr>
<td>Total students accepting “desk” jobs</td>
<td>46 (70.8%)</td>
<td>46 (63.9%)</td>
<td>52 (52.0%)</td>
<td>44 (55.0%)</td>
<td>32 (39.0%)</td>
</tr>
<tr>
<td>Students pursuing foreign LL.M.s</td>
<td>4 (6.2%)</td>
<td>5 (6.9%)</td>
<td>4 (4.0%)</td>
<td>4 (6.3%)</td>
<td>5 (6.1%)</td>
</tr>
<tr>
<td>Students seeking government jobs (including clerkships and civil service)</td>
<td>7 (10.8%)</td>
<td>4 (5.6%)</td>
<td>17 (17.0%)</td>
<td>13 (16.3%)</td>
<td>11 (13.4%)</td>
</tr>
<tr>
<td>Students pursuing litigation</td>
<td>6 (9.2%)</td>
<td>13 (18.1%)</td>
<td>8 (8.0%)</td>
<td>13 (16.3%)</td>
<td>5 (6.1%)</td>
</tr>
<tr>
<td>Students pursuing other jobs, including fellowships and NGOs</td>
<td>2 (3.1%)</td>
<td>0 (0.0%)</td>
<td>3 (3.0%)</td>
<td>1 (1.3%)</td>
<td>0 (0.0%)</td>
</tr>
<tr>
<td>Size of graduating class</td>
<td>65</td>
<td>72</td>
<td>100</td>
<td>80</td>
<td>82</td>
</tr>
</tbody>
</table>

To study the recruitment of law students from selective schools by the corporate legal sector, we conducted semi-structured interviews with people involved in recruitment of entry-level lawyers at 38 corporate law firms, LPO firms, in-house counsels’ offices, and legal non-profits in Kolkata, Delhi, Gurgaon, Hyderabad, Bengaluru, and Mumbai in July and August 2011. We selected law firms to approach for interviews based on their presence in Legal 500, Chambers and Partners, and PLC Which Lawyer, because the larger law firms are likely to have a more pronounced impact on legal recruitment.

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8 We have numbered the interviews that we conducted and they are referenced in the following format: Interview with [brief description of position of person interviewed] # [code number of interview]. Interviews numbered 1-43 were conducted in July and August 2011; interviews numbered 44-47 were conducted by email in February and March 2014. This reference format is adopted in order to distinguish interview responses from each other without making interviewees individually identifiable.
We also conducted interviews with students involved in the recruitment process at the more elite law schools in Delhi, Mumbai, Bangalore, Hyderabad, and Jodhpur. As noted earlier, we focused our research on these law schools because anecdotal evidence suggested it was their graduates who primarily populated the employee bases of large law firms and in-house legal departments. Although our research strategy may be biased by our exclusion of less selective schools and non-corporate legal sector employers (which is where most Indian law graduates work), this enables us to concentrate on changes in the corporate legal sector, which is the sector of legal practice where we see the greatest changes and can trace the impact of globalization most clearly.

Having said that, it is important to note that although the corporate legal sector in India has been growing rapidly, its scale (and the scale of the more elite law schools whose students populate it) is still quite modest relative to other countries, especially the US. This is likely to have an impact on the recruitment system because the structure for recruitment is likely to be influenced by the scale of recruitment (i.e., how many people a firm may wish to hire). Thus, one might expect a somewhat different recruitment system if the largest employers expect to hire 15 people per year as compared to 150 people per year.

Indeed, the corporate legal sector in India is made up of just a few thousand attorneys (much smaller than the US in absolute terms) even though there are approximately 1.3 million

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9 Our study was approved by the Harvard University Committee on the Use of Human Subjects in Research, file number F20876.
10 See BAR COUNCIL OF INDIA, VISION STATEMENT 2011-2013, http://www.barcouncilofindia.org/about/about-the-bar-council-of-india/vision-statement-2011-13/ (last visited Feb. 27, 2014) (estimating that there are currently between 400,000 and 500,000 law students in India); Interview with recruitment agency executive #2 (estimating that only about 1,000 students per year are currently graduating from the 12 law schools that use the CLAT).
attorneys registered with state bar associations in India. This suggests that an overwhelming majority of India attorneys are still essentially litigators.

Moreover, the size of the largest law firms in India is generally smaller than their US counterparts. The largest law firm in India is now about 600 attorneys with the second largest around 300. After that there are about 5 or so law firms with between 120 to 290 attorneys and the rest probably ranging between 8 to 166 attorneys. In contrast, the number of lawyers in the AM Law 100 U.S. law firms ranges from about 3,700 for the largest firm to about 270 for the smallest firm (with 20 firms having more than 1,000 lawyers). Indian law firms are also different than their US counterparts because Indian firms are often owned and run by partners with close familial or community ties to each other. In addition, in terms of annual revenue, Indian law firms are much smaller than their US counterparts. An estimate for the combined annual revenue of the top 50 law firms in India for 2009-10 was USD 350 million, whereas a

11 Unlike different state bar councils representing their member lawyers, India did not have any organization representing the collective interests of law firms. The Society of Indian Law Firms (SILF) was recently constituted in the year 2000 to represent the interests of corporate law firms in India. It is a collective of India’s top corporate law firms, which started with around 40 member firms but now represents over 100 corporate law firms, Introduction, SILF, http://www.silf.org.in/1/Introduction.htm (last visited Feb. 27, 2014). See Jayanth K. Krishnan, Globetrotting Law Firms, 23 GEO. J. LEGAL ETHICS 57, 64 (2010).

12 This aspect of the Indian legal profession has been widely studied. For an overview of the traditional organization of legal services in India. See Marc Galanter, Introduction: the Study of the Indian Legal Profession, 3 LAW & SOC’Y. REV. 201 (1968-69); A. Samuel Schmitthener, A Sketch of the Development of the Legal Profession in India, 3 LAW & SOC’Y. REV. 337 (1968-69).


14 See id. The Society of Indian Law Firms membership includes over 100 law firms. See Introduction, supra note 11. One might expect that there are also a number of smaller law firms that may not be members of SILF so 100 law firms is probably a lower end estimate of the number of Indian Law Firms.


17 A report dealing with 2009-2010 revenue gains made by the top 50 law firms in India, estimated the total turnover of these firms for the year to be over $350 million and put a total numerical value of $800 million on Indian legal sector. See RSG CONSULTING, 2010 RSG INDIA REPORT, available at http://rsgconsulting.com/rsg-india;
similar estimate for 2010-11 for AM Law 100 firms shows turnover ranging from USD 2,104 million to USD 276.5 million for the lowest grossing firm (i.e., the lowest grossing AM Law 100 firm’s revenues in 2010-11 are roughly two-thirds of the combined revenues for the top 50 Indian Law Firms in 2009-10). 18

Although Indian law firms are smaller than their US counterparts (which will likely have an impact on how recruitment occurs), one must be mindful of currency differences, the fact that many of the Indian law firms did not exist 20 years ago, and even the largest one (with nearly 600 attorneys now) had only about 30 attorneys merely 22 years ago. Simply put, Indian law firms have been experiencing an accelerated growth trajectory. 19

Similar comments on scale apply to the elite Indian Law Schools. Their incoming class sizes are smaller than what one might witness at US Law Schools. For example, the top 15 Indian Law Schools probably average less than 100 students enrolling each year and many of these top 15 schools did not exist even 10 years ago. 20 In contrast, even the smallest elite US law schools have incoming class sizes that are double this number. In addition, elite law schools in India are by and large state run (as compared to many elite private institutions in the US), which may also have an impact on their interaction with the recruitment process. It is also noteworthy that even though most Indian law schools have smaller class sizes there is increasing demand for

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18 The Am Law 100 2011- Gross Revenue, supra note 15.
19 This can be seen as part of the globally observed phenomenon of a rapid increase in size of law firms in the other parts of the world as well. For a detailed analysis of this topic, see Marc Galanter and Thomas M. Palay, *Why the Big Get Bigger: The Promotion-to Partner Tournament and the Growth of Large Law Firms*, 76 V.A. L. REV. 747 (1990). The earliest law firms were established in India in the 19th century. They were mostly established in the presidency towns. A handful of these firms continue to exist. But most law firms that currently exist were established since 1991 era. For an overview of the establishment years, practice areas and other details concerning the Indian law firms’ profiles, see *Indian Law Firms*, RSG INDIA LAW CTR., http://rsg-india.com/indian-law-firms (last visited Feb. 27, 2014). See generally Arpita Gupta, Vikramaditya Khanna and David B. Wilkins, *Mapping Corporate Legal Practice in India* (2014) later in this volume.
20 Interview with recruitment agency executive #2 (estimating that only about 1,000 students per year are currently graduating from the twelve law schools that use the CLAT).
more law schools. We see this both in the rapid growth of National Law Schools across India, but also in the new (and often private) entrants to legal education in India (e.g., Jindal Global Law School, Christ University School of Law, KIIT Law School). This may be in some measure a response to the growing needs of an emerging economy of India’s size and population as well as the fairly high starting salaries for junior associates at many Indian law firms.21

The smaller scale of Indian law firms and law schools might lead us to expect different recruitment practices to larger markets (such as the US), but as we shall see there are some similarities too. Further, the scale considerations also suggest that our research strategy is likely to cover many of the most significant current players.

In addition to the interviews and data from other sources, we also make some use of data reported in Legally India (a website dedicated to discussions on the legal sector in India), including the data used in Tables 1 and 2 to describe the number of law school graduates going to work for corporate law firms. This data is self-reported by student-run recruitment coordination committees (“RCCs”), so it may be biased because RCCs have an interest in presenting their schools in a good light and indicating that they were highly successful at getting coveted jobs in law firms for their members. On the other hand, the relatively large size of RCCs and the ease with which law students pass information to each other suggest that egregious misrepresentation of law student placements in self-reported data would be corrected for by leaks from dissatisfied law students from the school whose RCC engaged in misrepresentation. Moreover, based on the interviews that we conducted with legal employers, the self-reported

placement data from RCCs appears to be fairly reflective of the recruiting practices of corporate legal employers.

Our interviews with managing partners, human resources directors, general counsels, and other partners and associates involved in hiring decisions at law firms (as well as students) has provided us with rich qualitative data about how large legal employers recruit law student interns, junior associates fresh out of law school, and senior associates and partners from other firms. It is to that recruitment process that we now turn.

III. The Landscape of Legal Recruitment in India

The process of recruitment for Indian law graduates has undergone substantial change in the last two decades. Prior to liberalization of India’s economy in 1991, most law graduates from leading law universities would have generally considered a career in litigation where the process for recruitment was relatively informal. You might start your own practice (with all the challenges and uncertainties it brings) or you might seek to be a “junior” for a litigating advocate. Being a “junior” meant that you would work as an apprentice, often for very little or no pay, in an established advocate’s chambers. Being selected as a junior was not something supervised by the law school from which a candidate graduated, but rather was the result of whatever factors the litigating advocate considered important in selecting his or her junior. Although this might not seem an appealing route, one must keep in mind that breaking into successful litigation in India was often considered very difficult to do without strong personal or business connections.

22 The discussion on litigation practice in India is based on Galanter, supra note 12 and Marc Galanter and Nicholas Robinson, India’s Grand Advocates: A Legal Elite Flourishing in the Era of Globalisation (2014) later in this volume.

23 See Galanter and Robinson, supra note 22.
Although there were some law firms at this time, they were quite small in size and were not responsible for the majority of hiring at the elite Indian law schools. Moreover, even their hiring processes did not appear to be very formal or structured. Consequently, there were no recruitment or placement services at Indian law schools and little formal selection processes or criteria for the vast majority of law school graduates.

Liberalization in 1991 brought with it more opportunities for growth of corporate legal work and the increasing interactions between India and the global business world further enhance those growth opportunities. Law firms began expanding and they increasingly became more important employers. Additionally, the first National Law School in India (National Law School of India University, Bangalore (NLSIU)) was founded in 1987, and additional National Law Schools were established in the following decade, including National Law Institute Univeristy, Bhopal (NLIU) (1997), National Academy of Legal Studies and Research, Hyderabad (NALSAR) (1998), National University of Juridical Sciences, Kolkata (NUJS) (1999), and National Law University, Jodhpur (NLUJ) (1999). These National Law Schools produced a large number of the more recent employees at India’s larger law firms. Students would be admitted to these schools after high school, based on the Common Law Admissions Test (CLAT), and in 5 years after that would earn a B.A., LL.B.(Hons.) degree. Admissions are

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25 For a more detailed history of this time period please see Gupta, Khanna and Wilkins, *supra* note 19.
highly selective with perhaps only the top 1% to 2% of CLAT takers being admitted each year to the top 5 National Law Schools.\footnote{Estimates of likely CLAT takers in 2013 number closer to 30,000 test takers competing for around 1,500 seats. See Kian Ganz, \textit{CLAT 2013: 29,500 Law Aspirants Apply, 15\% More Than Last Year}, LEGALLY INDIA, Apr. 3, 2013, \url{http://www.legallyindia.com/201304023561/Pre-law-student/clat-2013-many-apply}; see also \textit{INFORMATION BROCHURE, COMMON LAW ADMISSION TEST (CLAT-2013)}, available at \url{http://www.polymathedu.com/polymathadmin/upload/PMEA_524050a903edc.pdf} (describing the most recent CLAT exam).}

The confluence of economic liberalization and the development of the National Law Schools allowed some of the large and increasing demand for corporate lawyers to be met. Indeed, NLSIU Bangalore first organized campus placements around 1995 – coinciding with the growth of the Indian economy and the corresponding emergence and growth of Indian law firms offering commercial services.\footnote{Conversation with Umakanth Varottil (1995 graduate of NLSIU), April 13, 2012.} In the remainder of this section, we discuss the recruitment process that took root in National Law Schools starting in the mid-1990s.

\textit{A. Important Factors in Recruiting Decisions}

The first important factor in recruitment decisions is where the student attended law school. As a general matter, large law firms in India make entry-level hires from a very small selection of Indian law schools. Indeed, some large law firms only recruit from NLSIU, NALSAR, NUJS, NLIU, and NLU Jodhpur, which are the five most selective national law schools based on Common Law Admission Test (CLAT) scores.\footnote{Interview with law firm managing partner in Kolkata #11 ( hires almost exclusively from NLSIU and NUJS with a few hires from NALSAR); Interview with law firm founding partner in Mumbai #14 ( hires mostly from NLSIU and NALSAR), Interview with senior law firm partner in Delhi #22 ( hires exclusively from NLSIU, NALSAR, NUJS, and NLUJ); Interview with law firm head of strategy and HR executive in Delhi #24 ( hires from the “top 5-6” law schools, including NLSIU, NALSAR, NUJS, and NLUJ); Interview with law firm partner in Hyderabad #26 ( hired only from NALSAR and NLSIU last year).} While some large firms are more willing to look outside of this elite cluster of five law schools, corporate law firms almost never recruit junior associates from outside of a group of roughly twenty-five law schools.\footnote{However, one large firm reported that they avoid hiring graduates of national law schools: “First, NLS Bangalore has a very strong network and I am worried about confidentiality. . . . Friends tell other friends about what is happening at the firm. . . . These NLS grads also seem over concerned with money and promotion and even as they . . .”}
This includes the National Law Schools listed above as well as Delhi University Law Faculty, ILS Pune, Symbiosis, Government Law College (Mumbai), Hidayatullah National Law University New Raipur, Gujarat National Law University Gandhinagar, Amity Law School Delhi, National University of Advanced Legal Studies Kochi, Christ University School of Law Bangalore, University Law College Bangalore, Army Institute of Law, Mohali, and a few others. The core reason for this is the perception that there is high variance in quality at most Indian Law Schools and that the National Law Schools (because of the CLAT) and the other schools listed above tended to have the better students.

**Table 3: Number of Distinct Mentions in 38 Interviews with Corporate Legal Employers**

<table>
<thead>
<tr>
<th>School</th>
<th># of mentions</th>
</tr>
</thead>
<tbody>
<tr>
<td>NLSIU Bangalore</td>
<td>19</td>
</tr>
<tr>
<td>NALSAR Hyderabad</td>
<td>18</td>
</tr>
<tr>
<td>NUJS Kolkata</td>
<td>16</td>
</tr>
<tr>
<td>NLU Jodhpur</td>
<td>11</td>
</tr>
<tr>
<td>Delhi University</td>
<td>9</td>
</tr>
<tr>
<td>ILS Pune</td>
<td>9</td>
</tr>
<tr>
<td>NLIU Bhopal</td>
<td>9</td>
</tr>
<tr>
<td>Symbiosis Pune</td>
<td>9</td>
</tr>
<tr>
<td>GLC Mumbai</td>
<td>8</td>
</tr>
<tr>
<td>GNLU Gandhinagar</td>
<td>8</td>
</tr>
<tr>
<td>HNLU New Raipur</td>
<td>8</td>
</tr>
<tr>
<td>Amity Law School Delhi</td>
<td>5</td>
</tr>
<tr>
<td>NUALS Kochi</td>
<td>5</td>
</tr>
<tr>
<td>Christ University Bangalore</td>
<td>4</td>
</tr>
<tr>
<td>ULC Bangalore</td>
<td>3</td>
</tr>
</tbody>
</table>

are bright I do not know if they are competent. . . . They have no sense of ownership towards the place.” Interview with law firm managing partner in Mumbai #16.

30 It is may well be likely that several recently founded law schools, including National Law University, Delhi and Jindal Global Law School will join this list once students start graduating from their five-year B.A., LL.B. programs.

31 This table is a raw listing (based on our interviews) of the number of different corporate legal employers who mentioned that they had hired, or considered hiring, attorneys or interns from the different law schools. It may underestimate the degree to which law firms hope to hire from the most selective national law schools, because some employers told us that they recruit from the “top 8” or “top 10” law schools without specifying which schools they take these to be. Additionally, two Hyderabad-based employers mentioned that they occasionally hire students from “traditional law colleges” in Hyderabad (which are not in the top 25 or so law schools nationally in India).
Second, law firms appear very interested in the grades students receive while at these more elite law schools. Law firms would have access to 3 or 4 years of students’ grades because recruitment usually begins in the 4th year of legal studies (out of 5) at the National Law Schools. Out of the 38 legal employers whom we interviewed, 18 expressed the view that grades were important or very important factors in making hiring decisions, including at least 3 employers who have explicit cumulative grade point average (CGPA) cut-offs for job candidates, while only 4 stated that grades were unimportant or irrelevant. In addition to grades, it appears desirable for students to participate in national and international moot court competitions, present papers at conferences, work on a law review, and possibly do research with a professor. Graduates from the 3 or 4 most selective law schools in India may be able to obtain positions even with more lackluster grades.32

Thus far, the factors that are considered important in recruitment bear some similarities with what we might see in the United States (i.e., your chances for employment at a top law firm

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depend on where you went to law school and how you performed there).\textsuperscript{33} Scholars in the US have noted that US law firms often hire on the basis of limited information about the candidate (e.g., hiring someone in their second year of law school in the US means the law firm has only the first year law school grades to consider).\textsuperscript{34} In India there is more information on grades – in the sense that there are more courses that students have completed by the middle of their 4\textsuperscript{th} year of legal studies. However, those courses rarely include corporate or commercial courses (because such courses are more common in the 4\textsuperscript{th} and 5\textsuperscript{th} year of legal studies) so an employer may not get a good sense of the student’s aptitude or ability in these areas, which are the areas in which the corporate legal sector employer probably has the greatest interest for hiring junior associates.

\textit{B. The Recruitment Process in India}

Although the factors law firms consider important in India bear some similarities to other countries, the \textit{process} for recruitment in India is different. In this section we will, for comparative purposes, very briefly describe what the recruitment processes look like in the United States and the United Kingdom for graduates from elite law schools. We will then describe the processes that corporate legal employers use to recruit law students from India’s elite law schools.

\textbf{1. Recruitment Processes in the United States}

Tom Ginsburg and Jeffrey Wolf provide a detailed discussion of recruitment into law firms in the US.\textsuperscript{35} In the United States, the recruitment process for law students is run by

\begin{itemize}
  \item See Ginsburg and Wolf, \textit{supra} note 3, at 919-20, 932-34.
  \item See \textit{id}. at 932-34.
  \item There are a number of important studies examining the management and structure of law firms in the US, but most do not make the recruitment process their primary area of research inquiry. See MARC GALANTER AND THOMAS PALAY, \textit{TOURNAMENT OF LAWYERS: THE TRANSFORMATION OF THE BIG LAW FIRM} (1991); Ronald J. Gilson and Robert H. Mnookin, \textit{Coming of Age in a Corporate Law Firm: The Economics of Associate Career Patterns}, 41 STAN. L. REV. 567 (1988); David B. Wilkins and G. Mitu Gulati, \textit{Reconceiving the Tournament of
professionally staffed career services offices at law schools that coordinate interactions between law firms and law students.\textsuperscript{36} Law schools’ career services offices also have a nationwide professional organization whose members include “virtually every ABA-approved law school in the US, Canadian law schools and hundreds of legal employers from both the public and private sectors.”\textsuperscript{37} This organization (NALP – National Association for Law Placement) has adopted detailed guidelines regulating the behavior of law schools, students seeking jobs, and legal employers seeking to hire students.\textsuperscript{38} Law firms typically conduct interviews on law school campuses at the beginning of law students’ second year of law school or in the summer between their first and second years of law school.\textsuperscript{39} On the basis of students’ grades, resumes, recommendations, and performance in on-campus interviews, firms invite law students to “fly out” to interview at the law firm’s office.\textsuperscript{40} After conducting these fly out interviews, firms will offer paid summer internships to the students that they wish to hire for the summer between their second and third year of law school.\textsuperscript{41} Large firms in the United States primarily make permanent job offers, for positions starting after students complete their third and final year of legal studies, to those students who were selected as summer associates.\textsuperscript{42} Indeed, these firms make job offers to a very high percentage of the law students that work for them as summer associates (barring misconduct or serious incompetence by summer associates).\textsuperscript{43} Over the years there has been a drift towards recruiting students earlier and earlier in their law school careers,


\textsuperscript{36} See Ginsburg and Wolf, supra note 3, at 921-32.

\textsuperscript{37} \textit{What is NALP?}, NALP, \url{http://www.nalp.org/whatisnalp} (last visited March 30, 2012).

\textsuperscript{38} \textit{Principles and Standards for Law Placement and Recruitment Activities}, NALP (Feb. 25, 2010), \url{http://www.nalp.org/fulltextofnalpprinciplesandstandards}.

\textsuperscript{39} See Ginsburg and Wolf, supra note 3, at 925-32.

\textsuperscript{40} See id.

\textsuperscript{41} See id.

\textsuperscript{42} See id.

\textsuperscript{43} See id.
perhaps as a way to hire the best students before there is too much competition for their services.\footnote{See \textit{id.} at 940.}

2. Recruitment in the England and Wales \footnote{Thanks to Sandie Ferrans, Jennifer MacLeod, and James Woolrich for providing background information on the legal recruitment process in England and Wales. Aside from the recruitment processes described here, some law firms in the U.K. appear to recruit students out of high school.}

In England and Wales, the process at the leading universities, unlike American law schools, does not involve an active formal career placement office. Instead, generally during a student’s first year of university, she is introduced to various law firms by way of “career fairs” (with her likelihood of success depending somewhat on the size and prestige of the student’s college).\footnote{In England and Wales, a student need not study law in university in order to secure a training contract with a law firm. Students who study a different subject complete a one year “conversion course” after law school to obtain legal training.} By the end of the first year of university the student may apply for a “vacation scheme” or “vacation placement” for the summer after the second year of university. Vacation schemes are two-week programs, which are similar to internships in Indian law firms, and Summer Associate programs in American firms. The likelihood of getting a vacation scheme depends in some measure on whether the student obtained a certain threshold of grades and also performance in an interview. Generally, at the end of the vacation scheme, students are offered a chance to interview for a permanent position – a two-year “Training Contract” which may or may not convert into an Associate position at the end of the two-year period.\footnote{It is also possible to secure a training contract without having completed a vacation scheme at a firm, but completing a vacation scheme makes it somewhat easier to obtain an offer.} If a law firm offers a training contract to a student, it is often contingent on passing the legal practice course (a one year course which has to be taken following completion of a law degree and before joining a firm) and sometimes contingent on the student obtaining a certain threshold of grades in their third (and final) year exams. Note that this is the process for those students who choose to work
as solicitors in law firms (as opposed to qualifying as “barristers” by pursuing a “pupilage” at one of the chambers).

3. India

The path from law school to law firm takes a different course in India than in the United States and the United Kingdom. There are two ways in which it is common to secure a permanent job offer from a law firm in India.

The first is through “campus recruitment” where a law student will interview with a law firm on campus and, on the basis of the interview, the applicant’s CV or resume, grades and other materials, the law firm will decide whether to offer the student a permanent post-graduation job. These interviews now occur in the 4th year of law studies (out of 5) at the National Law Schools in India.48

The second is through “Pre-Placement Offers,” or PPOs, where a student interns with a law firm while in law school and, on the basis of the student’s performance as an intern, the firm extends an offer for a permanent post-graduation job. These internships often take place in the 3rd year of law studies at the National Law Schools. It is noteworthy that the likelihood of obtaining an offer for a permanent position after an internship is not generally perceived to be as high as the chances of obtaining a permanent position after being a summer associate at a law firm in the US. Indeed, it is not uncommon for law students in India to have internships at multiple firms before obtaining an offer for a permanent position. Moreover, the internships in India are generally considered fairly low paying and the law firms generally expect students to

48 Some other elite schools allow for 3 year LL.B.’s after completion of a Bachelors degree in another subject. For this latter category the interviews are usually in the second year of law studies.
work on an active and busy schedule (i.e., “wining and dining” or “courting” seems more limited than in the US or UK).\textsuperscript{49}

The direct campus recruitment path is the most common way to get an offer for a permanent position, although PPOs are becoming more popular.\textsuperscript{50} In addition, there are significant similarities between these two processes, because students frequently obtain internships through an on-campus selection process for internships, which strongly resembles the process for campus recruitment. Although these two paths are the most common, students may also obtain positions by directly approaching law firms, relying on private recruitment agencies or by relying on connections and contacts from friends and family. We discuss campus recruitment and internships first and then briefly discuss these other methods of obtaining positions at Indian Law Firms.

a. Campus Recruitment and Recruitment Coordination Committees

Indian law schools do not have professional career services offices, although faculty members occasionally have some involvement in the process at some law schools. Instead, the recruitment process for securing a “desk job” is coordinated by students.

In India, usually in their fourth year in a five year program, the law students interested in securing jobs through campus recruitment will set up an administrative apparatus that they usually call the “campus recruitment committee,” “recruitment coordination committee,” or “recruitment coordination cell” (RCC). Members of an RCC (i.e., the students who use the RCC): (i) pay a small fee to cover the administrative costs of the cell, which will include things like paying for taxis for law firm representatives to get to campus from the airport and publishing a brochure containing the members CVs, and (ii) elect several members of the organization, who

\textsuperscript{49} What this suggests for the relative bargaining positions of Indian law firms vis-à-vis students and US law firms and students is not explored in this paper.

\textsuperscript{50} See data collected in stories published by \textit{Legally India} at http://www.legallyindia.com/tag/campus-recruitment.
are usually not actively seeking employment in that year, to form an executive committee to manage the recruitment process. These student-formed RCCs will write their own rules every year, which will form the basis for interactions between law students and law firms. They might draw heavily on the rules prepared by a previous year’s RCC, but previous years’ rules typically serve only as a starting point, and there can be considerable year-to-year variation in the rules that RCCs at a single school adopt. There may, of course, also be inter-school variation as well.

These RCCs perform several functions. First, they sort and vet candidates. Student members of the RCC will usually first send their CVs (or resumes) to the RCC executive committee, and the committee will check every line of the CV. For example, RCC executive committees usually make students produce certificates or witnesses to prove that they actually interned with the people they claimed they interned with on their CVs. They will also check students’ CGPAs and come up with lists of students ranked by CGPA (a matter in which law firms are quite interested).

Second, RCCs serve as intermediaries between students and employers. RCCs will decide which firms to invite to campus recruitment. One RCC member told us, “We decide when firms will be invited to recruitment based on the name of the firm, reputation, pay scale, and whether they hire a large number of people. We follow Legal 500, which lists firms by tiers. And our alumni work in different firms, so we look at feedback that comes from them.” RCCs will also set up the schedule for campus recruitment, with international law firms and the firms

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51 See, e.g., NALSAR Recruitment Coordination Committee (RCC) Rules 2011; NALSAR Recruitment Coordination Committee (RCC) Rules 2014; NLSIU Recruitment Coordination Committee (RCC) Rules 2014 (all on file with the authors). At some law schools, such as NALSAR, students who do not pay the RCC fees or participate in campus recruitment nonetheless participate in elections of RCC executives.

52 See NALSAR Recruitment Coordination Committee (RCC) Rules 2011; NALSAR Recruitment Coordination Committee (RCC) Rules 2014; NLSIU Recruitment Coordination Committee (RCC) Rules 2014 (all on file with the authors).

53 Interview with two RCC members #42; interview with RCC member #41.

54 Interview with RCC member #41.
that pay the highest salaries and hire the largest number of students typically receiving the earliest time slots for campus recruitment. All communications between students and the firms from whom they are seeking employment will go through the RCC’s executive committee — student members of the RCC are usually strictly prohibited from communicating personally with employers participating in the RCC process, and RCCs may impose severe penalties for violations of these rules (e.g., being barred from using the RCC process and sometimes monetary fines backed up with the threat of being barred from using the RCC).

Third, the RCCs will assist legal employers in finding students to hire. Law firms will contact RCC executive committees at a small handful of selective law schools and ask them to organize interviews or provide CVs of a select number of students (often based on class rank). Then the employers will come to campus and interview those students, and on the basis of those interviews, grades, CVs, and other materials, they decide to whom to make offers.

Fourth, RCCs also impose rules on their members that regulate how they can interview with legal employers and what they must do when they receive job offers. Some RCCs have rules requiring their members to respond to job offers from large firms within 2 days of receiving the offer, at the latest. RCCs also require that their members disclose job offers that they receive through pre-placement offers, through private recruitment firms, or through personal channels outside of the RCC process. More substantively, some RCCs have imposed “no hold” policies on their members, prohibiting students from holding open job offers or turning down job offers.

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55 The time for recruitment (i.e., the week for it) may vary somewhat each year and with each law school.
56 NALSAR Recruitment Coordination Committee (RCC) Rules 2011 (on file with the authors).
57 Interview with two RCC members #42.
58 NALSAR Recruitment Coordination Committee (RCC) Rules 2011 (on file with the authors).
59 Id. (on file with the authors)
For instance, an RCC at a well established national law school imposed a no hold policy recently under which any member of the RCC who received a offer for a job with total annual compensation of 500,000 rupees or more was automatically withdrawn from the RCC and therefore debarred from sitting for further interviews arranged by the RCC, whether or not she accepted the job offer.\(^6^1\)

It is noteworthy that the presence of no hold policies and functional equivalents to “exploding offers” is fascinating given the rarity of such measures in the more formal US structure for recruitment.\(^6^2\) One suspects this may reflect both the students’ interests in maximizing the number of students getting desk jobs and the interests of law firms in being able to staff their firms quickly (without having to get into a bidding war for individual students). It may well be that as India’s corporate legal sector continues to expand and the “war for talent” becomes more intense, it will become more difficult to maintain such “no hold” policies.\(^6^3\)

The picture of campus recruitment that we have presented here is schematic, because there is some variation as to the particulars of the process from school to school and year to year. At some selective law schools, including some National Law Schools, faculty have a little more involvement.\(^6^4\) However, campus recruitment is primarily a student driven process at most of the highly selective National Law Schools.\(^6^5\) Additionally, some newer schools have involved their

\(^{60}\) Kian Ganz, Result for All 75 NUJS Grads into Desk Jobs; Plus 3 Foreign Firms, 5 LLMs, 2 Start-ups, June 8, 2011, LEGALLY INDIA, June 8, 2011, http://www.legallyindia.com/201106082149/Law-schools/result-for-all-75-nujs-grads-into-desk-jobs-plus-3-foreign-firms-5-llms-2-start-ups.

\(^{61}\) Email from NALSAR Recruitment Coordination Committee 2011 to its members, January 20, 2011 (on file with the authors).

\(^{62}\) See Ginsburg and Wolf, supra note 3.

\(^{63}\) There may be some movement on this already in that some RCCs recently have allowed students to sit for interviews with domestic and international law firms and hold one of the offers for at least some period of time. See NALSAR Recruitment Coordination Committee (RCC) Rules 2011 (on file with the authors).

\(^{64}\) Interview with RCC member #41.

\(^{65}\) Hardly any of the legal employers who we spoke to reported interfacing with faculty members when dealing with RCCs.
faculty in hiring to a greater extent. Most notably, Jindal Global Law School and its faculty and administration have aggressively pursued memorandums of understanding with law firms in India and abroad where their students might secure jobs. Further, Christ University College of Law is also known to have active faculty involvement in recruitment. Several other law schools have one or two faculty members who have connections with employers and play an active role in helping students to identify firms that might wish to hire them. However, this is at present an uncommon method for securing a corporate legal job in India and one might view faculty efforts at these schools at steps to get greater recognition for newer entrants in legal education by increasing the placement prospects for their students.

b. Internships Leading to Pre-Placement Offers

An important alternative (and in some cases supplement) to the RCC campus recruitment model described above is the increasing use of internships, which may then lead to pre-placement offers (PPOs) (i.e., a permanent job offer). Internships in India are programs where law students spend somewhere between 2 to 8 weeks during one of their term breaks (or over the summer) working at an Indian law firm. Law firms may then choose to make a PPO to a student who was part of its internship program. Internships can be obtained through an RCC or an internship coordination committee set up with procedures similar to those used for RCCs. Many internships are also obtained through less formal processes, including references from

66 Interview with General Counsel in Bangalore #40.
67 See Placement Details, JINDAL GLOBAL LAW SCHOOL, http://jgls.edu.in/content/placement-details (last visited Feb. 27, 2014). This strategy seems to be enjoying at least some success: job offers were made to 2013 graduates of JGLS by Amarchand, Luthra & Luthra, Khaitan & Co., and Titus & Co and two students in the class were offered internships by White & Case. Kian Ganz and Prachi Shrivastava, Day Zeros: NLU Delhi RCC Confirms 12 Jobs, 3 Vac Schemes; Jindal on 8 and 2 White & Case, LEGALLY INDIA, May 16, 2013, http://www.legallyindia.com/201305163677/Law-schools/day-zeros-nlu-delhi-rcc-confirms-12-jobs-3-vac-schemes-jindal-on-8-and-2-white-case.
68 Interview with general counsel in Bangalore #40.
69 Interview with faculty member at an elite non-national law school #43.
70 Twenty of the legal employers who we interviewed reported that they are never, or only rarely, contacted by faculty members on behalf of students.
71 Interview with two RCC members #42.
personal and professional contacts and by students contacting employers directly without going through an RCC or internship coordination committee.\textsuperscript{72}

Additionally, many corporate legal employers entertain applications for internships from a larger pool of schools than they are willing to consider when making permanent hires.\textsuperscript{73} This is in part due to the low pay provided to interns and the reasonably high work (and hour) expectations suggesting law firms face little risk in hiring such interns. Further, firms will also sometimes make PPOs to students from schools that they do not normally recruit from if they do well during their internships.\textsuperscript{74} From our interviews it appears that many law firms (of all sizes) and in house departments have started using internships. Indeed, many employers, and especially smaller law firms and in house departments increasingly conduct permanent hiring through their internship programs, and some larger law firms are beginning to hire significant numbers of junior associates through their internship programs.\textsuperscript{75}

c. “Free Agents”

In addition to hiring through campus recruitment and internship programs, some firms consider applications for permanent positions that they receive from individual students directly.

\textsuperscript{72} See, e.g., interview with person-in-charge for recruitment of freshers at a law firm in Delhi #19, interview with law firm co-founding partner in Mumbai #32, interview with law firm director of human resources and senior associate in Mumbai #36, interview with general counsel in Mumbai #37, interview with law firm founding partner and partner in Bangalore #38.

\textsuperscript{73} Eighteen of the corporate legal employers who we spoke to reported that they consider applicants from a broader range of schools for their internship programs than when they hire students for permanent positions directly from law schools.

\textsuperscript{74} Interview with law firm head of strategy and HR executive in Delhi #24; interview with law firm founding partner in Mumbai #29.

\textsuperscript{75} Five employers in our sample reported that their internship programs have become a more important part of their recruitment strategy within the past year or two. Interview with law firm co-founding partner in Mumbai #32; interview with law firm senior partner in Mumbai #33; interview with law firm founding partner in Bangalore #35; interview with law firm human resources director and senior associate in Mumbai #36; interview with general counsel in Bangalore #40. Others report that PPOs are presently a very important part of their recruitment strategy, with one reporting that they now recruit exclusively through their internship program. Interview with law firm founding partner in Mumbai #14; interview with law firm person-in-charge for recruitment in Delhi #19; interview with law firm senior partner responsible for hiring decisions in Delhi #22; interview with law firm founding partner in Mumbai #29; interview with law firm founding partner in Bangalore #38 (reporting hiring exclusively through an internship program). No employers reported that internships are becoming a less important part of their recruitment strategy.
Most large corporate legal employers prefer to go through RCCs when receiving applications for permanent positions from law students, but a significant number will at least look at CVs and application materials that arrive from students outside of formal recruitment processes, particularly from students at schools where the firm or corporation does not do campus recruitment.\(^{76}\) A small handful of corporate legal employers (usually smaller ones) prefer to receive applications from individual law students rather than through RCCs, either because they think that individual applicants are more likely to really be interested in their firm,\(^ {77}\) or because they suspect that by the time they interview students through an RCC the best students at a school will already have been hired by other (usually larger and perhaps higher paying) employers.\(^ {78}\) Additionally, some very small corporate law firms do not hire on an annual basis or do not have the resources necessary to participate in campus recruitment, and these firms tend to hire “freshers” (first year junior associates) exclusively through internship programs or through applications that they receive from individual students.\(^ {79}\)

d. Private Recruitment Agencies

Some private headhunting and recruitment agencies have emerged in the last several years that work to try to match lawyers to firms. These agencies tend to focus their efforts on senior associates and partners, rather than fresh law school graduates. Occasionally, law students will go through these firms to try to obtain entry-level jobs with law firms or other legal

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\(^{76}\) See interview with general counsel in Bangalore #40. At least twelve of the legal employers with whom we spoke will entertain applications received from individual students outside of the process established by RCCs.

\(^{77}\) Interview with law firm founding partner in Bangalore #34.

\(^{78}\) Interview with law firm partner responsible for human resources and hiring in Mumbai #30 (“Students have increasingly said that by the time recruitment committees get around to sending us job applications, the cream of the crop has been swept away. So we get people applying year round, almost by word of mouth. I would say that the proportion is about 80% outside, 20% from RCCs.”).

\(^{79}\) Interview with law firm partner in Delhi #4; interview with law firm founding partner in Delhi #5. However, some very small firms that have been recently founded, including one firm in Mumbai with fewer than five lawyers, reported going through campus recruitment for their limited hiring needs. Interview with law firm founding partner in Mumbai #15.
employers.\textsuperscript{80} However, while a number of corporate legal employers rely on private recruitment agencies when making lateral hires, going through private agencies is an unusual and unlikely path for recent law school graduates to a permanent job with most legal employers.\textsuperscript{81}

e. Recruitment through Friends and Family

There are some students who may be able to obtain internships and permanent jobs through their own contacts rather than through the paths described above, relying on recommendations from family members or friends who work at a legal employer or who are important clients of a law firm. As this process is more informal and idiosyncratic we did not study it carefully. Most legal employers report that family ties and friendships do not play any role in permanent hiring decisions.\textsuperscript{82} Heavy pressure from clients, however, can have an affect on hiring decisions at some firms. One law firm partner told us, “If a big client recommends that we hire someone as an intern or associate, I say: I’ll keep him, but you have to support him.”\textsuperscript{83} Other firms and in-house law offices report that such recommendations from family members and friends can play a role in accepting law students for internships (which can sometimes lead to permanent jobs).\textsuperscript{84}

Although these five different mechanisms operate to some extent at a large number of corporate legal employers, it is clear that the dominant method at present for recruiting new lawyers at corporate law firms and in house offices is campus recruitment through RCCs, while

\begin{flushleft}
\textsuperscript{80} Interview with recruitment agency executive #2.
\textsuperscript{81} None of the legal employers who we interviewed reported relying on private recruitment agencies for hiring entry level associates.
\textsuperscript{82} See, e.g., interview with law firm named partner in Delhi #20 (“We don’t worry about family ties at all; that’s not of relevance to us. It’s not that there are members of the family; we prohibit family members from joining the firm; we believe that it’s best to keep these things separate.”)
\textsuperscript{83} Interview with law firm lead partner in Gurgaon #21.
\textsuperscript{84} See interview with law firm managing partner in Mumbai #16 (“We always have interns at our firm and we accept interns also on the basis of family ties and friends.”); interview with general counsel in Mumbai #37 (“We generally keep about 10 or 15 internship spots open during the year for recommended interns from say, someone with a son or daughter.”).
\end{flushleft}
the role of internship programs in corporate legal employers’ recruitment practices has grown significantly in the past several years.\textsuperscript{85}

**IV. The Development of the Indian Model of Legal Recruitment**

Having described the student-run model of recruitment a natural question arises: why did this model of recruitment develop in India? Indeed, the use of RCCs and internships (obtained via analogs to RCCs) raise a number of interesting issues. For example, why might law firms and law students rely on, and run, such a system? Given that recruitment is of considerable importance to law firms in India, it seems somewhat surprising that they are willing to rely on the recruitment structure that student-run RCCs set up. Of course, law firms do interview the candidates screened by the RCCs before making final offers, but the firms appear to accept student run organizations taking on a very active intermediary (and screening) role as described above.

Correlatively, it is not immediately obvious why students are willing, without receiving any direct compensation, to invest the time and effort necessary to run RCCs, develop and enforce the rules surrounding RCCs, coordinate communications between students and firms, and verify student credentials, amongst other things. One might expect a student to put forth great efforts to obtain a position for himself or herself, but to put forth effort to help others (usually students one year junior to you) obtain positions without explicit compensation merits further investigation.

At the same time, another important question is why Indian law schools do not take a more active role in recruitment given that where students are placed is likely an important factor

\textsuperscript{85} Only 20 of the employers that we spoke to report that they hired freshers through campus recruitment, but this twenty included all of the corporate legal employers with 100 or more lawyers who we interviewed. Many of the largest corporate legal employers reported hiring freshers exclusively, or almost exclusively, through campus recruitment.
in school rankings as well as where students choose to enroll. Further, given the less active role of law schools in recruitment, one wonders why Indian law firms weight so heavily the grades awarded by law schools. Indeed, for many law firms, law school grades are the most important metric in deciding which students to interview when they come to campus, in spite of little evidence that grades achieved by one’s 4th year (which include many grades for non-corporate law courses) correlate with success in a corporate law job.

In this part, we explore how the motivations and incentives of law schools, students, and legal employers led to the development of the student-run RCC dominated model of legal recruitment. We also note some similarities and differences to the US recruitment model as our discussion develops. Following that we explore how recent changes are putting mounting pressure on this recruitment model.

A. Indian Law Schools

In the first several years that law firms hired law students from NLSIU Bangalore, the school’s administration set up the interviews upon the request of the law firms. However, as it became clear that corporate law firms were not just one job opportunity among many for NLSIU graduates, but the dominant job opportunity, the law school administration led by Professor N.R. Madhava Menon (the founding Director of NLSIU) moved away from supporting and facilitating interviews with law firms and a student run campus recruitment model emerged. This model was in turn adapted with some modifications by other National Law Schools founded after NLSIU.

Why did faculty pull away from taking a more active role in the recruitment efforts by law firms? One likely explanation was that NLSIU was not set up per se to train and educate

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87 Id.
corporate lawyers, but rather to train the best and the brightest for areas of public interest law.\textsuperscript{88} One might speculate that some law teachers and administrators were likely hesitant to assist law firms in recruitment because of concerns that law firms might undermine student interest in public interest law.\textsuperscript{89} In addition, the elite law schools in India were (and are) by and large state run and their interests and mandates may not have included a high degree of focus on corporate law firms. Further, most law professors were not working in the areas of commercial and corporate law and were perhaps unlikely to think of career services for the law firm sector as part of what legal education is, or perhaps should be, about.\textsuperscript{90}

Even if this is all true, one might have thought the schools would display greater interest in placement matters to compete for better students and to enhance their rankings. Here a number of factors are likely to be at play. First, given the size of many of the elite law schools (less than 100 students in each year), investing in recruitment facilitation activities might not have been perceived as a great use of resources given that their students were already getting many offers. Second, in the mid 1990s (when NLSIU began to pull back from assisting in recruitment) most other elite law schools did not have active faculty or administration involvement in recruitment in the corporate legal sector. Most of these other schools were not National Law Schools (as most did not exist at that time) and most of their students were still likely to go into litigation because the corporate legal sector – while growing – was still very modest in size. In light of this, there was likely to be little market pressure from prospective students to institute more professionalized recruitment schemes. Further, even once more National Law Schools were formed (over the last decade), it may not have been perceived as necessary to invest in recruitment given that most students were obtaining positions quickly.

\textsuperscript{88} See Gingerich and Robinson, supra note 24.
\textsuperscript{89} Interview conducted by Nick Robinson with founder of a national law school (Apr. 27, 2013).
\textsuperscript{90} Id.
already. This was in part due to the greater growth in corporate law firms in India at the time and the very high admissions standards at these schools. In these circumstances there may have not been much perceived need for faculty to get actively involved in recruitment when many students seemed to be getting “desk jobs” already.

In this context there is little impetus for change, unless new entrants in legal education thought offering recruitment services would be a differentiator. Indeed, at present, the law schools with the most involvement in recruitment are the newer ones (and often the private ones).

B. Indian Law Students

While students might not see recruitment services as part of what law schools ought to provide, students at highly selective law schools still appear to desire some sort of collective means of approaching law firms, in part because there is uncertainty about the availability of desk jobs for all of the students in a class. Students appear concerned with ensuring that everyone in their class can get a job at a law firm if they want one.91 Students may prefer this outcome both to reduce uncertainty of obtaining positions for themselves (and perhaps other students they are concerned about) as well as enhancing the importance of their alumni network in the future. The National Law Schools in India are tight knit social environments92 and some,  

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91 See Kian Ganz, Result for All 75 NUJS Grads into Desk Jobs; Plus 3 Foreign Firms, 5 LLMs, 2 Start-ups, June 8, 2011, LEGALLY INDIA, June 8, 2011, http://www.legallyindia.com/201106082149/Law-schools/result-for-all-75-nujs-grads-into-desk-jobs-plus-3-foreign-firms-5-llms-2-start-ups. Approaching law firms as free agents might allow some students to obtain several very good job offers, but such a system might leave some percentage of students with no job offers they consider to be acceptable.

92 National law schools appear more likely to have socially tight knit student bodies than do traditional law schools because their student bodies are relatively small (there are typically fewer than 100 students in a graduating B.A./LL.B. class), they are stand alone institutions rather than part of larger universities, and some such as NALSAR and NLUJ are geographically isolated, making it more likely that students will form social bonds with one another. See Swethaa Ballakrishnen, Where Did We Come From? Where Do We Go? An Inquiry into the Students and Systems of Legal Education in India, 7 J. COMMONWEALTH L. & LEGAL EDUC. 133, 146 (2009).
such as NLSIU, have exhibited the ability to develop and maintain strong alumni networks.\textsuperscript{93} Students aware of the benefits of such networks are likely to find value in trying to ensure that their classmates are also well placed. One thing that students can do in order to ensure that everyone who wants a corporate job offer gets one is to form a group that will enable them to coordinate and impose rules like “no hold” policies that they think will increase the odds that all students in the class, or as many students as possible, get offers from firms.

A further question is why students as individuals would agree to serve on the executive committee of a RCC to coordinate the activities between law firms and students. Students may not object to being subject to a system designed to maximize desk jobs, but volunteering to do uncompensated work facilitating such a system is quite another thing.

One potential explanation is that the students who run the RCC build contacts with law firms. Although RCC executive members typically are not allowed to sit for interviews with the firms with which they are responsible for communications, they still build valuable contacts with the firms that they coordinate with, and those contacts might be valuable later down the road in their professional lives. Serving as an RCC executive might also signal willingness to work with a team and contribute to building institutions, which might be attractive traits to potential employers. Finally, students serving as RCC executives gain information about how the recruitment process works, which might enhance their own ability to make lateral moves later on in their careers.\textsuperscript{94}

\textsuperscript{93} See For the Kind Attention of Alumni Students, NATIONAL LAW SCHOOL OF INDIA UNIVERSITY, BANGALORE https://www.nls.ac.in/resources/oldsiteresources/alumni.html (last visited Feb. 27, 2014).

\textsuperscript{94} It might seem somewhat surprising that RCCs do not have any mechanism in place to compensate executive committee members from previous years for transferring information about the recruitment process to the next year’s executive committee. See Eugene F. Fama and Michael C. Jensen, Agency Problems and Residual Claims, 26 J. L. & ECON. 26 327, 337 (1983). However, since there is no existing market for such information, it may be difficult to value. Additionally, former RCC executive committee members may regard passing on this information as something like professional courtesy. An RCC executive committee member who refused to pass on information to the next year’s RCC would risk developing a reputation of not being a team player.
Another likely motivator is social esteem. Law school student bodies in India, as noted earlier, are tight knit social groups. In the National Law Schools there are fewer than 100 people in a class and they are living together on fairly remote campuses for 5 years. Over this period of close interaction they get to know each other very well and one likely reason they are willing to undertake this activity is because of the social esteem they get from their colleagues for being willing to serve on the executive committee of the RCC.95

The potential interest of students to have their classmates get good positions and their willingness to serve on RCCs that facilitate this does not necessarily address all concerns. The relationship between members of a RCC and the RCC’s executive committee is an instance of a principal-agent problem, as the members’ welfare depends in some measure on how well the executives perform their job but the executives may have different interests than the membership of the RCC.96 Students might worry that RCC executive committee members might tilt the playing field in their own favor, making use of the RCC’s resources to present themselves or their friends more favorably to law firms. Students might also worry about RCC executives’ shirking, particularly if students are motivated to serve on the executive committee so that they can list their RCC service on their CVs.

RCC members appear to address these agency problems with several monitoring and bonding strategies to align executives’ incentives with the memberships’ welfare.97 RCCs draft rules to prohibit RCC executive committee members from interviewing with employers with

95 Cf. McAdams, supra note 2.
97 The agency problem might be reduced by selling RCC executives a residual claim to the income that RCC members will earn after they have secured employment with law firms, causing executives to internalize the cost and value of their management decisions. However, because successful members of the RCC will secure jobs with salaries that depend on effort and skill rather than easily alienable resources, such a strategy is problematic. See Eugene F. Fama and Michael C. Jensen, Agency Problems and Residual Claims, 26 J. L. & ECON. 327, 327 – 349, 336 (1983).
whom they are responsible for communications and have executive committees sufficiently large for it to be difficult for a member to break conflict of interest rules without other committee members noticing and notifying the members of the recruitment cell. RCC members are also somewhat more likely to vote for executives who are perceived as uninterested in securing a placement through campus recruitment, either because they plan to pursue an LL.M. abroad or have already secured a PPO, since such students are thought to be less likely to abuse their position as an executive. Incompetent RCC executives might be removed by a vote of the RCC’s members and would likely also suffer social sanctions from other students, resulting in reputational damage. Some schools also have a faculty member who serves as an advisor to the RCC, which might attenuate student concerns about conflicts of interest among committee executives by providing academic or social pressure on RCC executive committee members not to tilt the field in their own favor.

Such monitoring of RCC executives is, however, not costless. To the extent that RCCs prefer students who already have secured employment or plan to pursue an LL.M. that reduces the pool of candidates from which executives can be selected, which might result in less talented executive committee members, perhaps making it more difficult for members to get placed into good jobs. On the other hand, to the extent that RCCs are willing to elect executives who themselves plan to sit for campus recruitment, they risk having executives tilt the field in their

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98 Interview with two RCC members #42.
99 See Eugene F. Fama and Michael C. Jensen, Agency Problems and Residual Claims, 26 J. L. & ECON. 327, 335-36 (1983) (describing how professional partnerships resolve agency problems in part by delivering services through “small group[s] of professionals who interact and monitor one another intensively). 100 See interviews with former national law school RCC executive #44-47. A perceived lack of interest in participating in campus recruitment is not, however, a dispositive factor in RCC executive committee elections. Other factors such as possessing contacts in law firms, friendships with students voting in the RCC election, gender, and CGPA also enter into voters’ decisions about whom to support. See id. At some schools, voters tend to prefer candidates who seem likely to contest general student body elections in their final year in law school, as it is assumed that such students will try to do a good job running the RCC in order to secure votes in general elections. Interview with former national law school RCC executive #45.
101 See NALSAR Recruitment Coordination Committee (RCC) Rules 2011 (on file with the authors).
102 See interview with RCC member #41; interview with two RCC members #42.
own favor. There are also informational costs of monitoring the RCC executive committee: non-
executive members must pay attention to whether the executives are making enough effort to do
their jobs well. Although this monitoring is not costless, there are reasons to think that the costs
can be contained in various ways. First, the monitoring necessary to align executive committees
members’ interests with those of the membership is relatively cheap: members can gather
information about the quality of executive committee members’ inputs through normal social
interactions and as participants in the campus recruitment process. Additionally, the RCC
members are a small enough group of students, typically with fewer than eighty members, that
there may appear to be real individual welfare benefits from engaging in monitoring of RCC
executives.

It might also seem that, even with trustworthy RCC executives and a perception that it is
in the collective self interest of the student body to work through an RCC to contact employers,
there would be incentives for students with particularly strong academic records to defect from
the RCC system and approach law firms individually. There are several explanations for why
this does not often happen. First, applying for jobs through RCCs may dramatically cut search
costs for applicants relative to applying to firms individually. Rather than tracking down
contacts for every firm to which they wish to apply and contacting them individually, students
can use RCCs as a convenient mechanism for contacting potential employers. Second, successful
students might do almost as well, and perhaps better, going through an RCC than approaching
firms as a free agent. At present, this is particularly true because some large firms will review
only applications that come through RCCs, disregarding applications received from

individuals. One legal process outsourcing firm told us that while they accept applications sent outside of the process run by RCCs, they would offer a student who applied independently a salary of 100,000 to 200,000 rupees lower than what they would offer to a student from the same school who applied through the RCC. Third, successful students might lose the esteem of their colleagues in very tightly knit law student bodies if they were to go outside of the RCC to seek jobs, making defection less likely. Because of their social connections to other members of the RCC, successful students may have “team spirit” or a spirit of loyalty by virtue of which they desire to contribute to the RCC’s success rather than defecting. Thus, the potential gains from defecting for students with particularly strong CVs and CGPAs might not be enough to outweigh the increased costs of conducting an independent job search without the resources of the RCC and taking whatever attendant risks that may entail.

Finally, we might still wonder why law students who wish to secure employment with a law firm do not hire a recruitment agency or headhunting firm to run campus recruitment on their behalf, rather than doing it themselves. It appears that they do not do so because, in spite of the principal agent tensions in the RCC model, agency problems would also arise with an outside firm while monitoring and bonding costs would be higher. One reason that monitoring of an

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104 See, e.g., interview with law firm head of strategy and HR executive in Delhi #24. Many other firms state that while they will consider applications sent by individuals, they have a preference for applications submitted through RCCs.

105 One might speculate as to why an employer may pay less in this context. It is conceivable that it reflects the additional verification costs the employer may expend to check the applicant’s details (which are done gratis by the RCC) or perhaps a perception that the candidate (by going outside of RCC) was signaling something negative about himself or herself. Cf. Ginsburg and Wolf, supra note 3. Alternatively, students who go outside of an RCC may signal to potential employers that they are less loyal than students who stay inside an RCC, which may make them less attractive employees.


107 We might also wonder why students do not pressure law schools to run campus recruitment through professionalized career services offices. It appears that students do not do so partly because they may not trust their schools to run such a system effectively. Furthermore, given the historical hostility of some law school teachers and administrators to corporate legal employment, such an arrangement might give rise to even more principle-agent tensions than does the RCC system.
outside agency might be more costly is that it is difficult to assess the quality of a recruitment coordination service simply by looking at a history of placements year by year. There are many exogenous factors that affect the outcomes of the recruitment coordinator’s strategy, such as how strong the legal market is from year to year and how well qualified the students going on the market are. Because monitoring outputs is not an effective means of assessing the quality of a recruitment service, it is necessary to monitor inputs to assess quality. It is likely easier and cheaper for RCC members to monitor inputs when the people who run the recruitment process spend all of their time around the members of the RCC and are subject to social sanctions if they fail to exert sufficient effort to run the RCC well. Ultimately, the RCC presently survives as an organizational form because it delivers the product demanded (recruitment coordination) at lower costs than other organizational forms that are available (e.g., external agencies).

C. Indian Law Firms

There are several reasons why law firms may have found a largely student run recruitment process desirable. First, many small and mid-sized Indian law firms lack dedicated human resources (HR) personnel while large firms have smaller and less professionalized HR departments than British or American firms of a comparable size. Hiring dedicated HR professionals is costly and many law firms are relatively small family run organizations. Many lawyers have not seen building human resources as being as important as building a professional practice (i.e., business and client development). Indeed, law firms may not wish to have their better or more senior attorneys spend time on recruitment as opposed to business development or corporate legal work, especially when there is extremely high demand and extremely low supply of corporate legal talent at the senior associate level and above. Thus, one might expect law

108 See Alchian and Demsetz, supra note 106, at 779.
109 Fama and Jensen, supra note 99, at 333.
firms to attempt to economize on recruitment costs by having some part of its recruitment efforts undertaken by entities outside the law firm. Relying on student run RCCs to vet CVs, prepare ranklists of students, and schedule campus interviews helps firms trim the number of likely candidates to a smaller number on which firms can then focus their own (costly) recruitment efforts. Moreover, because this screening is being done essentially at no cost to the law firms, the price for such screening is attractive.

One might still wonder why firms would trust student run RCCs to vet applicant CVs and provide ranksheets of job candidates. RCCs have an interest in making their members look as good as possible, so why should firms trust what they say about their members? It may be the case that students who run the recruitment process are trustworthy because of reputational costs to their schools and their committee (i.e., themselves) if they engage in undesirable behavior. Although RCCs would want to place their students in excellent law firms, RCCs and law schools are in a repeat play scenario (because each year they will have new graduates who look for positions at law firms). Because of this, law students and law schools have incentives to ensure that law firms are pleased with the services provided by the RCC—otherwise law firms may choose to go to the next closest competitor school for hiring or do less hiring at the school at which the RCC is located or rely on non-RCC recruitment methods at that law school.

Also, to the extent that one of the benefits of being on an RCC for the student is the goodwill and contacts they develop with law firms, there is little reason for RCC members to be cavalier about how law firms perceive their efforts. If the RCC is thought to have done a poor job then that does not reflect well on the RCC executive committee in the eyes of the law firms. Given the relatively small size of India’s corporate legal sector such concerns may weigh heavily on RCC behavior and would likely deter RCC members from performing poorly. In addition,
given that students have friendships that span across years at law schools, some of the social prestige pressures that help ensure that RCC executives perform their duties competently may also encourage them to show an awareness of how their behavior in one year could impact future recruitment by corporate employers at their school.

Further, even if RCCs inflate the credentials of their students, law firms could adjust their recruitment strategies to account for this bias. Indeed, as long as the RCC’s efforts do not change the rank order of students at the law school then law firms may not be too concerned. Moreover, given the very high admissions standards at the top National Law Schools the downside risk law firms are taking in hiring junior associates from this set of talented individuals is somewhat limited. 110

The foregoing discussion provides some reasons why a RCC model may be attractive to law firms, but one wonders why law firms seem to have little interest in consulting with faculty on hiring or in bringing the law school administration more actively into the mix. Part of the explanation appears to be a sense that most law faculty do not espouse much interest in commercial law matters and consequently may not be in a position to provide helpful insights to law firms about which students might perform well on the commercial side.111 Further, our interviews indicated both law firms and law students seem to share a fairly low opinion on the administrative competence of law schools and that it would be insufficient to provide the screening law firms might desire. Indeed, some students expressed the view that students do a far better job running the recruitment process than could their schools.112 Finally, firms might think that students are more likely to be trustworthy than law school faculty or administrators, since most RCC executives are entering legal practice and might face more severe reputational

110 See N.R. MADHAVA MENON, REFLECTIONS ON LEGAL AND JUDICIAL EDUCATION 83 (2009).
111 See Gingerich and Robinson, supra note 24.
112 See interview with two RCC members #42.
costs if RCCs mislead employers than would administrators or teachers at a law school, whose career prospects do not depend on professional relationships with law firms.

V. Pressure on the Indian Model of Recruitment

As we have seen, there are plausible explanations for how the current model of law school recruitment has developed. But why are we starting to see movement away from this model of recruitment toward a model that relies more on hiring through internship programs? Major sources of pressure on the existing model of recruitment are the growth of small and midsized law firms, newly established law schools, and the growth of professional human resources departments within larger law firms. Additional pressures come from the growth of private recruitment firms, the competition of large law firms with one another, and the inadequacy of status quo law school curricula to law firm needs.

A. Pressure from Newer Law Schools and Students

There is some pressure from schools and students on the established RCC based model of campus recruitment. Less elite or established schools are beginning to involve faculty more in placement in order to enhance the chances of their students in obtaining coveted “desk jobs.” For instance, Christ University prominently has had strong faculty involvement in developing connections between students and law firms. Other schools have begun to develop formal partnerships with law firms. Jindal Global Law School has signed memorandums of understanding with a variety of Indian and foreign law firms. Some schools, especially

113 Interview with general counsel in Bangalore #40. Ibid. (“[Christ’s] faculty was very helpful in giving us feedback about students and rankings.”); interview with law firm senior partner in Mumbai #33 (“It’s very helpful to have feedback from a professor who a student has worked with. But it’s harder to get at the major national law schools. When a professor calls us up, I have to be responsive.”); interview with law firm managing partner in Mumbai #12; interview with law firm managing partner in Mumbai #12.

114 Placement Details, supra note 67 (“JGLS has signed Memoranda of Understandings (MoUs) with a number of reputed Indian law firms, including Amarchand & Mangaldas & Suresh A Shroff & Co., AZB & Partners, FoxMandal Little, Luthra & Luthra Law Offices, and Nishith Desai Associates. JGLS is also developing collaborations with a number of other law firms including Economic Laws Practice, Khaitan & Co., and Trilegal.”).
schools outside of the oldest National Law Schools are trying to come up with more professionalized models for recruitment, greater involvement of faculty, and even some professional staff involved in running the recruitment process. It is not surprising that new entrants to legal education are attempting to restructure the recruitment process because new schools may have great difficulty finding desk jobs for their students if they are unable to disrupt currently dominant practices of recruitment (where corporate legal employers are likely to recruit from 15 to 25 law schools at most). In turn, these schools may have trouble attracting qualified students willing to pay their tuition, a problem that would be particularly severe for schools that rely on tuition for a large proportion of their operating revenue.

Although firms may have some skepticism about the value of faculty involvement in recruitment at the National Law Schools (where student quality is very high, there is little faculty interest in commercial law matters, and administrative support is weak), they might still value faculty involvement where there is greater variation in student quality and better administrative support (e.g., the newer law schools). This would aid firms in identifying talented students (which is not as big a concern at the elite National Law Schools) even if it did not help much in identifying the students with a stronger aptitude for commercial matters.

It is, of course, possible that these attempts by recent entrants will fail, or that when schools like Christ and JGLS succeed in gaining sustained attention from large law firms they will scale back their faculty and administration involvement in recruitment. However, there is also a possibility that law firms will find that a recruitment process with greater administration and faculty involvement enables them to better identify suitable candidates for internships and

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115 Interview with law firm senior partner in Mumbai #33 (“In the initial years when the law schools were first set up, professors were very interested in promoting their students, they would call us up. As they get more institutionalized, they’re less likely to do that.”).
associateships, in which case they are likely to modify their hiring practices.\textsuperscript{116} It may also be that if law school incoming class sizes increase and law firms continue to hire actively then law schools may find the investment in placement offices to be more worthwhile.

Highly qualified law students from less elite law schools may also be putting pressure on the traditional system of recruitment by applying directly for internships or permanent positions with law firms that do not typically recruit at the law school the student is attending. If law firms think that they can find better candidates by looking at independent applications from students at the top of the class at a less famous law school, rather than applications from the middle of the class at a more prestigious law school, firms might have an incentive to move away from heavy reliance on campus recruitment through RCCs at a small number of highly selective law schools.

\textit{B. Pressure from Legal Employers}

There is also pressure from firms to change this model of recruitment as witnessed in the desire to utilize internship programs and PPOs. In addition, firms have been developing more sophisticated techniques for interviewing and evaluating job applicants, using in depth and in person job interviews, written exams, and what some firms call “psychometric testing” \textit{(i.e., some sort of behavioral testing or personality profiling)}.\textsuperscript{117} Although law firms of all sizes are moving in the direction of making greater use of internship programs to recruit new lawyers, the reasons are slightly different for small and midsized firms than for large firms.

\textbf{1. Small and Midsized Legal Employers}

Small and mid-sized firms \textit{(i.e., those with fewer than 50 lawyers)} appear concerned with their inability to influence campus recruitment because RCCs face pressure to get jobs for many

\textsuperscript{116} See interview with general counsel in Mumbai #37 (reporting that a large in house law department attempts to identify campuses that have not yet been discovered by other legal employers and hire the best students at those campuses).

\textsuperscript{117} Interview with three lawyers and HR executives at a large law firm in Delhi #24.
students and the smaller law firms may not be able to satisfy that as easily as larger firms.

Indeed, when legal employers indicate they are likely to hire many students, they have a great deal of influence with the RCC and can come to campus before other legal employers. If a law firm is allowed to come earlier in the process then it has an advantage over other firms in attracting talent because it gets to interview students first and make offers that students must accept or reject before they have a chance to interview with other employers. Large employers have often benefited from this system by being able to secure the most desirable students at a school by approaching them early. Smaller firms and in house counsel hiring one or two students from a law school have difficulty getting the RCC to give them the time slots they desire for campus interviews, making it hard for them to recruit the best students. This leads these employers to think they can do a better job of finding good talent through internships or identifying them on the basis of metrics other than grades. Some smaller employers, like boutique law firms with highly competent lawyers, are highly attractive to talented students, so if smaller and mid-sized employers continue to increase their use of internship programs and PPOs for recruitment, the traditional campus recruitment model could be considerably eroded.

2. Large Legal Employers

A number of large law firms with more than 100 lawyers are also moving toward making greater use of internal tests and internship programs to recruit new associates. There could be a number of reasons for this. First, as larger law firms engage in more sophisticated corporate legal work (often related to increasing globalization), they are keen to hire those students who would be particularly good at doing this kind of work. Firms cannot easily screen for this when

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118 Interview with lead partner at small law firm in Delhi #21; interview with law firm partner responsible for human resources and recruitment in Mumbai #30; interview with law firm founding partner and partner in Bangalore #38.

119 Talented students may prefer such firms both because of the nature of work and work culture, but also because chances of becoming an equity partner might be brighter here than at the larger corporate law firms.
they hire through the RCC organized campus recruitment process, and even in a short in-person interview the interviewer may not be able to assess much. This was probably a lesser concern when the corporate work was not as complex. Internships—which provide a longer window over which to view a student’s skills—may provide one way in which the larger law firms might be able to make assessments about a candidate’s skills for complicated transactional work.\footnote{Interview with law firm co-founding partner in Mumbai #32.}

Second, since many firms are willing to give internships to students from a broader range of law schools than they normally consider for recruitment, the internship also has the advantage of providing students from less prestigious schools and less well known law firms and in house departments the opportunity to get to know each other and assess whether their needs and skills match. Third, larger firms may be realizing that law school grades obtained by a student’s fourth year are a poor predictor of ability to do corporate legal work.\footnote{That law school grades are not highly informative is a criticism that is often leveled at law school grades in the United States, see Ginsburg and Wolf, \textit{supra} note 3, at 932-34, and there are reasons to think that they are even less so in India because of high rates of academic misconduct and because faculty often put little or no effort into grading accurately. See Jonathan Gingerich and Aditya Singh, \textit{Writing Requirements, Student Assessment, and Plagiarism in Indian Law Schools}, \textit{India L. News}, Fall 2010, at 12-15.} Finally, as firms grow, they are likely to find it attractive to develop more professional human resources processes and hire human resources specialists, who may be better placed to implement mechanisms like written and oral tests to sort applicants for internships and permanent positions. In a larger firm with continual hiring needs, there may be significant enough economies of scale that firms will become willing to invest the resources necessary to run recruitment through their own systems, rather than systems designed and run by RCCs or to obtain resources that they can use for recruitment, like proprietary tests, through best friends arrangements with foreign law firms.\footnote{Interview with law firm partner responsible for human resources and recruitment in Mumbai #30.}

Thus, a further shift toward internship-based programs might have a serious impact on the sustainability of campus recruitment through RCCs. While at present, students appear to
have little incentive to defect from a collective recruitment system, if large firms were more willing to entertain applications received outside of the RCC run process, talented individual students might have more reason to forgo participation in the RCC and apply to firms for internships directly with firms.

**C. Pressure from Other Sources**

There are several other factors that, while less frequently cited by our interviewees as causes of the ongoing shift toward internship-based recruitment, may play some role in changes in the recruitment system.

1. **Pressure from Private Recruitment Firms**

Several private recruitment agencies now exist that specialize in legal jobs. While law firms generally only rely on private recruitment firms to identify talent at the middle to senior associate level, some of these recruitment agencies aspire to provide credentials that better reflect the skills that law students need to succeed as attorneys. So far, none of these agencies appears to have developed any credentialing service for junior associates that has attracted significant positive attention, but if a private recruitment agency were to succeed in developing such a service, it could disrupt the existing RCC run campus recruitment model. Such a credentialing service might, however, have more impact on LPOs than on corporate law firms given the relative novelty of LPOs and the fact that many LPO customers are from outside of India where the credentialing may have additional benefits.

2. **Pressure from Hiring Date Competition**

Over the past several years, large legal employers have moved the dates on which they hire during campus recruitment earlier and earlier as they compete with each other to lock up the students with the best grades from the most selective national law schools. As employers face
pressure to hire earlier and earlier in the recruitment process, the process might become less valuable to them.\textsuperscript{123} Particularly if hiring talented students requires that employers hire so far in advance that they cannot adequately assess the candidate or anticipate their staffing needs at the time the students will be joining their firm, they may conclude that they would be better off foregoing the RCC process. The movement of the hiring date has analogs in US experience too.\textsuperscript{124}

\textit{D. Recruitment and Globalization}

Thus far, we have described the recruitment process and examined why it is set up in the manner we witness. However, as we noted there has been substantial change in how recruitment occurs in India over the last two decades. A question raised by these rapid changes is: what is causing them? We suggest that globalization has a major role to play in these unfurling developments.

Prior to the liberalization of the Indian economy (and the increasing interaction with global business forces) in 1991, the primary employment Indian law graduates targeted was litigation related work.\textsuperscript{125} Moreover, the nature of much of this litigation was not primarily commercial. Given the tight state controls on the economy and the rather slow pace of adjudication in Indian courts, most business matters might not have been adjudicated in courts but rather in government agencies or through private dispute resolution fora (or through social or family networks). Against this background, there was little need for a highly structured recruitment process into law firms.

\textsuperscript{123} See interview with general counsel in Bangalore #40 (stating that hiring is more difficult when it is planned a year in advance than when it occurs with less lead time).
\textsuperscript{124} See Ginsburg and Wolf, supra note 3, at 940-41.
\textsuperscript{125} Much of historical discussion in this section relies on materials discussed in Gupta, Khanna and Wilkins, supra note 19.
However, as globalization began to influence the Indian economy we witnessed greater growth for Indian businesses domestically as well as globally. This rapid growth led to more contracts, more acquisitions, and more business generally. This also led to more commercial disputes, a different kind of client (corporate clients instead of individuals or government in the pre-globalization era) and a greater need for specialized legal talent in the corporate space. The advent of the National Law Schools around the same time that law firms needed to recruit many corporate lawyers provided a supply of talented, freshly minted attorneys.

RCCs might be seen as a response to this increased demand against a background of limited human capital and the relatively small size of Indian law firms. Consider the following constraints (some surely short term) against which law firm recruitment in India might happen: The administrative structure of law schools was not directed to recruitment issues (and especially not recruitment at law firms), law faculties’ attentions were focused on other important issues, and law firms simply did not have the time for their better attorneys to spend on recruitment as opposed to business development and corporate legal work (which was growing very quickly in the 1990s). Law firms were also fairly small and may not have found it worthwhile to invest in large recruitment or HR departments.

In this context, one potential solution might be to rely on a group of people who had knowledge of the legal education system and its participants and whose conflicts of interest can be effectively managed to vet student CVs, coordinate communications between legal employers and job applicants, and structure the campus recruitment process. Final year law students who have already secured employment appear to meet these conditions and would have done so at extremely little cost to law firms. Moreover, their incentives (likely based on goodwill, or connections with future employers and social esteem) to perform a screening and verification
function might have been sufficient to provide law firms with the basics they needed to conduct their work—which at the beginning of globalization may not have been particularly complicated corporate work.

The changes to this system of recruitment that we are now witnessing may reflect the increasing number of players who need corporate legal services (including mid sized firms and in house departments) and the increasingly complex nature of their work (which is driven in part by globalization and the increasing complexities of domestic and cross-border legal work). With this need for added quality we see services developing that allow employers to assess candidate knowledge as well as candidate ability to perform the tasks at hand (e.g., internships).

Globalization has a major impact here as well because as business continues to grow and as India becomes a destination for those selling products as a well as a place to source and produce goods we are likely to see growing demand for increasingly complex corporate legal work (including cross border work).

**VI. The Relationship between Law Schools and Law Firms**

At present, Indian law firms have minimal involvement with law schools beyond the recruitment process. Meanwhile, foreign law firms have done things, like run short courses at Indian law schools, in order to develop connections with the faculty and particularly with the students at Indian law schools.\(^\text{126}\) This is probably in part because they want to develop good relations with members of the Indian corporate legal sector in case, or for when, the legal market

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opens up to the broader presence of foreign law firms, but it is also because they want to identify talented students that they can recruit to work in their London or Singapore offices.\textsuperscript{127}

It is possible that there will be a shift in how corporate legal employers relate to law schools in the next 5 or 10 years. A number of the legal employers we interviewed indicated they wanted stronger involvement in Indian law schools and firms may decide they need a deeper involvement in schools in order to identify and recruit strong legal talent (especially as the highest value transactions appear to require better education and more sophisticated attorneys).\textsuperscript{128} At the same time, schools may do more to try and professionalize the recruitment process and expand their connections with law firms, particularly schools outside of the most selective National Law Schools who are trying to make inroads in the recruitment process and develop relationships with law firms in order to enable their students to get jobs. Finally, this may in turn put pressure on more elite schools to become more active in providing recruitment services for those students interested in working in the corporate legal sector.

Indeed, if law firms were to become sufficiently dissatisfied with the preparation that a school provided for corporate legal work they might decide to hire fewer students from that school. If this were to happen students would almost certainly begin heading to other schools and the law school may face a serious threat of declining student quality (or, worse still, not being able to fill all of its seats).\textsuperscript{129} This would likely lead it to provide students with the education (or at least improve their education) that they need to compete for jobs in corporate law firms.\textsuperscript{130}

\textsuperscript{127} Cf. Chaturvedi, \textit{supra} note 4.
\textsuperscript{128} Twenty-one of the legal employers whom we interviewed expressed a desire for greater collaboration with law schools.
\textsuperscript{129} See Gingerich and Robinson, \textit{supra} note 24.
\textsuperscript{130} There are, of course, countervailing pressures: some stakeholders in law schools are upset that national law schools do not do more to serve the practicing profession, or to serve the human rights community, for instance. See \textit{e.g.}, interview with head of a legal services organization in Delhi #23.
Our analysis suggests that the interaction between recruitment and globalization has been very active in India. As India began a more fulsome interaction with the forces of globalization and liberalization in the early 1990s, the model of recruitment changed and a student-facilitated recruitment model developed. Students at the more elite law schools organized annual RCCs with detailed internal systems of operation to coordinate the process of recruitment into the Indian corporate legal sector. Law schools also expanded their offerings in the corporate and business areas. Such a system may well have suited the interests and motivations of the parties involved at the time. However, this model continues to evolve as changes occur in India. Indeed, we are witnessing changes in market realities as well as rising complexity in India’s domestic law and business along with India’s increasing interaction with globalization. These changes are likely to have an impact on the type of work Indian law firms engage in and their size, which would have related effects on models of recruitment. Indeed, we might expect to see (and do see) efforts targeted to identifying students with greater knowledge and sophistication about such matters (e.g., internships) and thus changes in the models of recruitment. These forces are also likely to build pressure for more law schools and for further changes at law schools in terms of both course offerings and the level of support for recruitment activities.

VII. Conclusion

In this paper we have presented several important findings. Law students and legal employers organize recruitment through student run recruitment coordination committees (RCCs) at highly selective law schools in India. For students, RCCs represent a way of coordinating activity with a view to maximizing placements for themselves, while for law firms they save scarce time and resources that can be used on business development rather than recruitment. While the RCC run campus recruitment process remains the dominant model of
recruitment of new associates in the Indian legal market for now, there is a move by legal employers toward hiring through internships, and some concerns with the RCC run campus recruitment process from small and mid-sized firms and in-house law offices. At the same time, less prestigious and less established law schools are developing more professionalized career services in the hopes of disrupting the current model of legal recruitment.

The changes just described have been influenced by globalization’s impact on India. The student run model of recruitment can be seen as a response to changes wrought by liberalization and globalization in India against a backdrop of limited human capital and the size and incentives of Indian law schools, law firms and law students. As India’s interactions with globalization increase and as India’s domestic laws and business become more complex one can anticipate further changes to the model of recruitment. More complex (and often cross-border) work and the presence of even larger, and growing, law firms may lead to greater incentives to invest in recruitment by law firms and a desire to demand more, by law firms and students, from law schools in terms of what education is provided to students. This may be complemented or supplemented by increasing reliance on internships.

Although India’s model of corporate legal sector recruitment has many interesting and perhaps somewhat unusual features, it still shares a number of similarities with recruitment systems from elsewhere (e.g., such as the US). For example, Ginsburg and Wolf note that the US system of recruitment tends to rely on limited information about students and is quite decentralized (in contrast to other professional services markets such as medical residencies) and provide explanations for why this might be.131 We see some similar features in India’s recruitment model (decentralization, limited information), but some differences as well (e.g., “no hold” policies). We discuss some of these differences and likely explanations for them in this

131 See Ginsburg and Wolf, supra note 3, at 932-63.
paper. Indeed, exploring recruitment systems across countries in a comparative manner may also be a fruitful avenue of inquiry - we leave that for future research.