

“What if I pay the retainer, and you can’t find anyone?”

Rebuttal #1: *“There’s usually two reasons someone would ask me that – either they don’t believe that their specifications are realistic enough to actually find a true candidate, or they are concerned that I won’t work diligently enough to cover the market thoroughly on their behalf. So before I answer that, let me make sure that I’m answering your true question – are you worried that you screen too heavily during the interview process, or are you worried that I’ll stop when the ‘going gets tough’ and move on to an easier search?”*

(response is typically the latter option)

“That’s a valid concern, one that you engaging us in a retained relationship actually solves for you, because I am on the hook to get this position filled for you no matter how tough it gets. That being said, if you’d like us to provide you with status updates on a weekly basis so you feel comfortable that work is being done consistently on your behalf, I’d love to provide that for you. In fact, it’s something that I typically do for my retained clients. On a weekly basis, I’ll give you a summary of how many candidates were spoken with on your behalf, the companies that they were with, and their reason for either being interested or for not. This will allow us to work together to either adjust the parameters of our search, adjust the job specifications, or adjust my presentation completely. Would that resolve your concern?”

Rebuttal #2: *“That’s a great question – tell me more about why you ask. Have you previously been in a situation where this has happened? What created that situation?”* ([learn more](#))

“What it sounds like to me is that you might feel more comfortable if we put some benchmarks in place to ensure that we reach certain performance milestones on your behalf. If we could ensure that we put candidates in front of you, would there be any other reason you wouldn’t feel comfortable paying an up-front retainer?”

“I would recommend that we do the following. You sign off on a retained relationship, but no retainer is owed until you have three candidates that you find suitable to interview. (or half is due upfront, and remainder is due upon three interviews) This reduces essentially all of the risk on your end, since you won’t pay anything until we prove that we can put the right candidates in front of you. It puts all of the risk in my court, but I’m confident that I can perform on this and know that once we work together once, you’ll have no concerns working with me in the future. I’ll send you a revised agreement now that reflects the amended terms of the retainer; is there any reason you can’t get that back to me this afternoon?”

Rebuttal #3: *“There’s really only a handful of reasons why I can’t find anyone – some of them are my responsibility, some of them are ours, and some of them are yours. It is my responsibility to put together a solid search plan, script an attractive recruiting presentation that you approve of, and then attract and land those passive candidates that otherwise would not have heard your story. There have certainly been times when a client has retained me and we make our first round of contacting the market – with no candidates that I feel are truly viable. Do I stop there?”*



Absolutely not. We regroup, evaluate the concerns that the marketplace had, and recharge for Round 2. What changes? Perhaps my client now wants to consider relocating someone, or consider someone with a little more or a little less experience, or change the compensation parameters. Bottom line is that no matter how many rounds it takes, we don't stop until you say to. Obviously that's my responsibility. Now, I would never say that this would be you – but I've had clients in the past who have had issues hiring the top talent because they make unreasonable offers, drag their feet during the interview process, or don't do an effective job selling the opportunity during the interview. Even though those rest on your plate, I will still do everything in my power to help you avoid making the mistakes that I've seen clients make. That's part of what you are paying me for. That being said, when I see you making those kinds of mistakes, how would you like me to respond?"

"Do you feel confident now that I understand my commitment to getting this filled, as long as you are aware of those things that are out of my control that fall on your plate?"

Rebuttal #4: *"I certainly recognize that that's an important risk that you are taking. However, let me ask you this - what if I do 98% of the work, get the right person in front of you and for whatever reason, (you leave, the position is eliminated, an internal candidate steps forward at the 11th hour) you don't fill it? What if I go into the marketplace over the next week, work my tail off and put everything else on hold, talk to several hundred people, identify a short list of 2-3 who are "absolutely on the money", do a phenomenal job for you, we set up the interviews, the biggest problem you have isn't "where are my people" but "we love them all", and you actually want to hire two, so we put together two offers, and then 30 days from today you go into a hiring freeze. You love me, I did everything you asked me to do, and I exceeded your expectations. How should I be compensated for that? What's fair in that situation?"*

"So we agree that there is risk for both of us. For me to take less risk, I sometimes will put a second amount due after the achievement of specific performance milestones, so that I lower the risk on my part even further – but I'm not asking for that in this case. Do you want to craft terms in the agreement that put some performance milestones in place, or do you feel comfortable now that we are both taking an assumed risk in partnering together? What would make you feel most comfortable?"