

# Tips for Changing Jobs in the Current Market

By Barbara Levenson



Barbara Levenson

Anyone who graduated from law school in the past several years likely is dealing with a new eye-opening experience—a slowing legal job market. When you graduated, salaries were going up and job opportunities were abundant, but now the tide has turned. Nevertheless, you still have options, albeit fewer ones.

Law firm cycles can best be characterized as times of gratitude, ingratitude, and recession. We are now in the recession cycle, which also can be interpreted as the house-cleaning cycle.

When I started my legal recruiting career in 1989, a recession was looming. The recession that followed in the early 1990s was the first (but certainly not the last) time that lawyers, even graduates of top-10 law schools, experienced widespread layoffs. The job security previously inherent in the legal profession ceased to exist, and law firms joined the ranks of other businesses vulnerable to market conditions. That nerve-racking time provided valuable lessons as true today as they were almost 20 years ago. What follows are some tips in navigating the legal job market in a time of recession.

## Keep the Job That You Have

It is always easier to conduct a job search while you have a job. Over the past 19 years, I have been privy to stories of poor judgment, bad behavior, and unreasonable entitlement. As with economic cycles, behavioral cycles have a way of repeating themselves and it's not pretty.

People have long memories for kindness and pettiness. Let this be your guide. Lesser behavior that might not be com-

mented upon during a booming economy will not be forgotten. Treat everyone, including all staff members, with respect (i.e., in the same manner that you would treat a partner).

## Communicate Your Willingness to Work Hard

If your department is busy, take on as many projects as you realistically can handle. Be grateful to be busy, and resist grumbling about how many hours you are billing.

On the other hand, if work is getting slow in your department, share your concerns with your group's partners. If you have a firm mentor, make this person an ally. Enlist his or her support in approaching partners in other groups, or even other offices, to get assignments. Make it clear that you want to be as busy and as productive as possible.

Moreover, make it clear that you want to keep your legal skills sharp and that you want to help your firm through a tough time. Show that you are thinking about the long term and that you are a team player. Offer to write articles, get involved with law-firm committees, and make time for community service. Most law firms have organizations that they volunteer their time with; in addition to being of service, you will meet new people in your community.

A corollary is to take on outside projects that you feel passionate about. When you get involved with a group that carries personal meaning for you, you are more likely to continue your involvement. In turn, you will meet like-minded members in your community, which can also bring the potential for business development.

## How to Deal with a Layoff

If, despite doing everything you can to stay busy, it becomes clear that your department cannot sustain the number of attorneys in the group, layoffs may be on the way. It is a natural reaction to be sad, angry, scared, disappointed, and most of all, surprised, if you are selected for layoff. Most people do not expect such an event,

particularly those who work for top law firms. While you understand intellectually that layoffs are part of a recession, you don't really believe it will happen to you.

How you handle a layoff is very important. First, do not panic. This is not a life-and-death situation, although it might feel like one. When you receive the news, take a deep breath and try your best to listen to what the partner is saying to you. Inevitably, you are going to have questions and concerns that will need to be addressed. For example, you are going to need to get references from the firm. You also are going to need to know about your severance package, COBRA benefits, and the way the firm is going to spin your departure.

You probably will not be clear-minded enough to address these issues when you first receive the news that you are being laid off. Do ask if the firm is preparing a severance package for you to review. If the partner does not know, ask an HR representative. Assuming there is a written package, take it home and review the materials very carefully. If need be, have several people you trust review them too. Take a few days to let the dust settle before saying anything. Then map out your exit strategy.

## References Are Crucial

When an attorney has been laid off, it is crucial for potential employees to know what the firm is saying about that attorney. Whether you search for a new job through a recruiter or through your personal contacts, excellent references are essential. In cases where your firm does not know that you are job hunting, as long as you believe that you will have great references and your reviews have been strong, no more information is needed until an offer is extended. All offers are contingent upon reference and conflicts checks.

Where a layoff is involved, it is incumbent upon the candidate to find out if the firm will be issuing a press release. If so, is it going to be clear that the layoff was economically motivated?

Assuming that the firm will be open with the press, the next step is to ensure that the references will state that you did great work, that the layoff is economically motivated, and that the firm regrets having to make this decision. Bottom line: references need to be unequivocal in their support for you and your work product.

If a firm does not want to go public about a layoff, it still must devise a collective strategy to handle attorneys' departures—ideally, one that will put both parties in as positive a light as possible.

### Client Conflicts

Before you leave your firm, make a list of your client matters, regardless of how much (or how little) time you have spent on the matter. The conflicts process is very involved and integral to the hiring process. It is much easier to get this information while you still have access to your files.

Keep this information from each job that you hold. Law firms' conflicts clearance forms will often ask for a list of clients from all of your previous legal employers.

In cases where the partners you work with do not know that you are looking elsewhere, do not provide references until the conflicts process is completed. Why out yourself until you know you have a safe landing? In contrast, in circumstances where someone has been laid off, the hiring firm should speak with the attorney's references as early as possible because it will show that the attorney has nothing to hide.

### Job Searching in the Current Economy

Especially in a slow market, law firms seek the most qualified attorneys to fill available positions. Often, this means graduates of top law schools who are working at top law firms, whether they are big firms or boutique firms.

Remember, your law school grades follow you forever. If you are already out of law school, you cannot change your grades, but you can exercise good judgment. Do not be indiscriminate in your career choices, and do not be a job-hopper. In a tightening market, the area of practice you choose and the number of jobs you have held are also very important factors in the search. Demonstrating an

ability to cultivate strong relationships with existing clients and colleagues, playing a primary role in your cases, and taking on additional responsibilities beyond billable time are also key traits that will help set you apart from other candidates.

For associates searching for a new job, traditionally, the majority of the lateral opportunities are for attorneys with two to five years of experience out of law school. However, because the classes of 2006 and 2007 were significantly larger than those in 2002–2005, there is still a perceived shortage of attorneys at the 2002–2005 levels. Unlike prior recessions in which more senior associates bore the brunt of layoffs, this recession also has affected more junior associates. For example, a number of corporate securities jobs for associates with at least three years of experience are available, particularly in California. But the competition for these jobs is keen. And no firm wants to hire someone who is perceived to be a malcontent or a job-hopper.

If you are practicing in an area that is traditionally affected by economic shifts, such as certain types of corporate or real-estate work, you may need to make your second or third job choice your first choice. You also may need to consider transitioning into litigation that is related to your type of transactional work. Bankruptcy workout cases have picked up on the East Coast. Land-use and environmental work may provide other transition possibilities for attorneys currently doing related transactional work.

If you are a litigator, the impact of economic cycles is not as severe. But the competition gets keener when times get tough. A number of law firms are undergoing highly publicized partner defections, mergers, and closures, which should serve as a reminder that you are not the only talented attorney looking to make a move, and you never were.

### Exploring the Current Market as a Partner

For a partner, the value of your portable book of business and your hourly rate are critical factors. Opportunities for service partners are very limited. But the more junior a partner you are, the more flexible your book of business can be, particularly if it looks like the book is continuing to

grow. Your perceived long-term potential as a rainmaker is critical.

In assessing your current partnership situation, you must determine whether your practice is an intrinsic part of the firm's strategic growth plans. Can your clients pay the prevailing rates of your firm? If you are in a practice that does not get premium rates or bet-the-farm types of matters, are your partners willing to be flexible with your billing rates in order to cross-sell your expertise to higher billing clients? Are you getting the support that you need for client development? Do you have an opportunity to play a meaningful leadership role in your firm? Does your firm's platform serve your practice and clients? Most importantly, are you happy at your firm?

### Law Firm Platforms: One Size Does Not Fit All

With so many firms expanding into new markets, there are opportunities for partners with varying books of business. Naturally, for a junior partner, the opportunity to help develop and build a practice new to your community has several advantages. After all, you have the connections, and your new partners will appreciate who you know as well as your legal skills.

In addition to having the requisite book of business required by the type of firm you are interested in, you must match the new firm's billing rates. Your clients are the people responsible for your financial security; a partner without clients is in a precarious position. If your firm's platform is not working for your clients, you need to decide whether you want to refocus your client development efforts or find a firm that will work for you and your current clients.

Do not overlook strong regional firms or firms that have only one office. Many wonderful small or mid-sized firms with top reputations merit your attention.

Boutique firms similarly can be a great option for partners and associates. Many do quality work and also offer quality of life. Boutiques may offer more meaningful participation in cases as well as stronger client relationships. They may allow you to have more input in the firm's growth and direction, and you will still work with a roster of top clients and attorneys.

Another selling point to working for a boutique firm is that the billing structure probably will help build your book of business. One of the first costs that companies cut is outside counsel's legal bills.

### Lessons Learned: This Too Shall Pass

Slow cycles do not last forever; they just feel that way. Busy cycles feel like they are never going to end, but they do. Take lessons learned in the current economy and apply them to a strong economy. Remember, graduating from a top law school always will be impressive, but it

is what you do with your degree that will distinguish you.

Six-figure associate salaries are not being paid because of partner largess, nor are partnership profits happily shared with nonproducers. Golden handcuffs are made with fools' gold. Empower yourself. Save as much money as possible, do not live beyond your means, and max out your 401(k). While that might not provide the immediate gratification of a luxury vacation or a pair of expensive designer shoes, doing so will provide something truly gratifying: peace of mind and financial independence.

In a few years, this recession will be a distant memory, and the headlines of the next boom will put dollar signs in our eyes. Once you have survived and ultimately succeeded through a recession or two, by the time the next recession hits, you will be in a much better position to ride it out.

---

*Barbara Levenson is a principal with legal recruiting firm Levenson Schweitzer, Inc., which places attorneys throughout California. She can be reached at [barbara@lsattorneysearch.com](mailto:barbara@lsattorneysearch.com).*