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# Redefining a Career in Law

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New Model Firm?

Government Service?

Solo Practice?

Opting Back In?

## REDEFINING A CAREER IN LAW RETOOLING A CAREER

Leslie A. Gordon

**I**n the midst of this Great Recession, law firms are laying off associates, dequitting partners, and even paying new graduates not to show up for work next fall. Corporate, finance, and real estate practices have been especially hard hit, but attorneys across all specialties—even historically recession-proof litigation—are affected. Some industry watchers say the traditional law firm hierarchy and fee structure may prove unsustainable even after the economy recovers. As a result, attorneys everywhere are having to retool or even redefine their careers.

“This is worse than I’ve seen before,” says twenty-seven year legal industry veteran Valerie Fontaine, a recruiter with Seltzer Fontaine Beckwith and author of *The Right Moves: Job Search and Career Development Strategies for Lawyers*. “After 9-11, hiring screeched to a halt, but the underlying basis of the economy was not as hard hit as it is now. Right now, we don’t know when we’ll see the light at the end of tunnel. We know we’ll see it, but when?”

The news isn’t all bad. Fontaine has seen some hiring activity in IP and patent litigation, especially for lawyers

with science backgrounds, and in labor and employment. And any partner with portable business remains highly marketable, says Fontaine, who notes, however, that few law firms are willing to fork out recruiter fees.

Susanne Aronowitz, Golden Gate University School of Law’s associate dean for law career services and alumni services, confirms that some practice areas are coping better with the recession, including criminal defense, family law, health care, and insolvency.

“There’s a lot of anxiety right now, especially with all the headlines and especially about big firms. But,” Aronowitz says, “many firms are doing just fine. Smaller firms, especially, have a different clientele and different expertise and may be better positioned to handle the crisis. Clients of small firms are interested in lower rates and getting direct access to partners.”

Mike Ross, a legal industry consultant with Altman Weil, adds that attorneys forced to redefine their careers may have opportunities in-house because companies are in-

creasingly handling matters—even litigation—they themselves as a way to control expenses during the recession.

Meanwhile, law school graduates are getting jobs, according to Aronowitz, “but not necessarily the one they came to law school to get. They are certainly getting unpaid internships from nonprofits, government, and small firms. What we’re seeing is more competition for those.”

Hiring a career coach can make the process less painful. Counselors help with self-assessment (see the first critical step below, “Conduct a Thorough Reassessment of Your Goals”) and help lawyers overcome mental hurdles like fear, paralysis, or indecision. “Even type A, driven lawyers tend to get stuck in a career transition,” Schneider says. “When you hire a career counselor, somebody’s got your back and is making sure you’re staying inspired and motivated and are taking actionable steps.”



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Susanne Aronowitz, Associate Dean, Golden Gate University School of Law



Given the profound industry shifts, law students and lawyers alike will need to “adjust expectations,” Aronowitz explains. Job seekers may have to look at opportunities they wouldn’t normally have considered, including smaller firms and firms handling less sophisticated work, such as consumer bankruptcy cases and criminal matters.

For lawyers who are finding themselves looking for a new job for the first time since their second year of law school, San Francisco–based career consultant Deborah Schneider has some preliminary advice. “First and foremost,” she says, “don’t panic.”

The author of *Should You Really Be a Lawyer? The Guide to Smart Career Choices before, during, and after Law School*, Schneider says panicking is “not going to help anything.”

During a career transition, distinguish between what you can control and what you can’t, Schneider advises. “What you can control is the actions you take. Don’t let fear paralyze you.” Out-of-work lawyers must now do all the things that career counselors “always tell you but that busy attorneys are usually too busy to do—like self-assessment.”

Career counselor or not, Schneider cautions against getting swept up in what she calls the herd mentality and the negative-information cascade. “You have to stop reading bad news and letting your actions be influenced by others’ actions, or you risk becoming unnecessarily pessimistic about career prospects.”

Golden Gate University’s Aronowitz adds that job search techniques today are the same as those she recommends in a good economy. “Lawyers just have to be more creative and persistent.” Aronowitz insists that jobs are out there—most of them are simply not posted because hiring individuals have been overwhelmed with responses. But legal work still “has to get done no matter what the economy is doing.”

According to career experts, there are three critical steps for attorneys redefining their careers.

### **1. CONDUCT A THOROUGH REASSESSMENT OF YOUR GOALS**

The recession is actually a great opportunity for lawyers to step back and evaluate and clarify professional goals, career experts say.

“Some attorneys were ambivalent about what they were doing,” Aronowitz says. “The recession gives them an

opportunity to finally do what they want or explore alternatives. Attorneys should reflect on what they liked about their last job, their strengths, what came naturally. They should remember feedback they've received, such as, 'You're a great listener.'"

Determine your ideal work setting and whether making money is your primary job goal. Consider, too, the ways you spend time when you're not working—even if it seems unrelated to law—and look at the skills you've developed there.

## **2. BUILD YOUR SKILLS AND KNOWLEDGE BASE**

Hone your legal skills, especially if you're switching practice areas or otherwise retooling your career. Go after growth industries or learn the countercyclical practice to yours.

If you're out of work and are not getting paid anyway, Aronowitz advises filling in résumé gaps with pro bono matters, which has the added benefit of doing good. "A lot of people need help right now. And the attorney builds a comfort-level and expertise in new areas."

Of pro bono work, recruiter Fontaine adds, "You can say, 'I was a barista at Starbucks [while out of work] but I also did these legal projects.'"

Contract or project work is another way to grow a skill set, pay the bills, and communicate to potential employers that you're committed to a new practice area. Because employers are reluctant to increase permanent head counts during the recession, contract work is plentiful but may not be advertised. The best way to find these projects is through connections (see the third critical step, "Network, Network, Network").

Similarly, join the relevant bar or professional organizations in a new practice area, Fontaine says. "It will help you gauge the outlook of the industry and will demonstrate your commitment to that work. You'll develop a network and pick up that lingo."

Attend MCLE programs and read industry journals and books to build your vocabulary, Fontaine adds. "I'm a big fan of writing for those publications. They take submissions from attorneys because they usually don't have staffs. They're short pieces, not law review articles, and you can put it on a résumé. If you do a few, suddenly you've accumulated expertise."

If you're unsure of which practice area you'd like to pursue, Schneider recommends researching potential growth industries. For example, "You're not going to go to Detroit to work for the auto industry," she explains. "Look at new industries like green tech and clean tech and changing industries like health care. Rewrite your résumé using the language of your new target area."

At the same time, don't just chase what's hot. "A lot of this is cyclical," Aronowitz adds. "Lawyers need to sustain a career over time. They need to be good lawyers. Don't force yourself into a position you're not suited for."

## **3. NETWORK, NETWORK, NETWORK**

In a recession as severe as this, personal contacts are the most likely way attorneys will land jobs, experts say.

Law students and new associates who grew up with technology mistakenly assume that simply being on LinkedIn, Facebook, or Twitter will result in employment. "But that's not enough," Schneider insists. "You can't confine a career search to online only. It will never take the place of relationship building."



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Aronowitz adds: “People need to get away from their computers. I’ve seen that a lot from our recent grads: they look on craigslist and just refresh their screens looking for new posts. That’s not enough. The best jobs are most likely not posted online.”

Relationships are what’s “really, really important right now,” Aronowitz says. “You need to see and be seen. Take advantage of the flexibility your contacts may have during this down time. Someone you know may not hire you just because they know you, but they will consider you.”

Under the rubric of “market research,” attorneys should set up informational interviews and even shadow other lawyers for a day, Schneider adds. “Talk to attorneys doing the kind of work you’re interested in. How’d they come to it? What strengths do you need to succeed? What’s missing in my background? The good thing about the recession is that people will have more time to talk to you.”

Consulting other lawyers is essential because many lawyers “wouldn’t recognize their dream job if they saw it,” Aronowitz says. “You need to really talk to people.”

Out-of-work attorneys should also seek assistance from their alma maters, Aronowitz suggests. “We love to showcase our grads. The students might come first [during the school year], but we’re slow during the summer. Most career services offices will assist alums, and we know alums [who may be hiring].”

Importantly, Aronowitz adds there should be no shame in having been laid off. “Everyone knows what’s going on, and there’s a lot of goodwill right now. Don’t hold yourself back.”

The legal market will pick up again, and lawyers need to be prepared when it does, according to Fontaine. “Now, when it’s quiet, reconnect with everyone you know. Get your network strong while you’ve got time.”

Sheri Kelly



Photo by Jim Block

## REDEFINITION—**SOLO PRACTICE**

Sheri Kelly began her legal career in 2003 working at firms handling plaintiff-side class actions. “Going solo was always in the back of my mind,” she recalls. “But for the first few years, I was just getting my feet wet.”

Nine months ago, Kelly finally felt she “knew enough to represent clients effectively without needing further mentoring,” she explains. “I’d heard that there’s no guarantee you’ll make partner at a firm. I wanted more control over my career.”

So Kelly opened her own shop in San Jose, handling business litigation matters, including breach of contract, property litigation, and legal malpractice cases. She also serves as chair of the Barristers Club’s Solo and Small Firm Practice Section.

## REDEFINITION— NEW ADMINISTRATION

Two years ago, Margaret Richardson was happily serving as director of the Clean Slate Clinic of the East Bay Community Law Center, working on criminal justice policy. Part of that work included supervising law students at UC Berkeley School of Law in its high-volume clinic that assists individuals working to clean up Alameda County criminal records.

Yet in the spring of 2007, Richardson was inspired to volunteer for Obama's campaign. His criminal policies—notably, being smart on crime rather than tough on crime—was “in line with the work I do,” she recalls. “I couldn't afford to sit it out.”

Richardson took a leave from her job to help with constituent outreach and voter protection. After the Pennsylvania primary, she felt she just “couldn't walk away” from Obama's mission, so she officially resigned from the

Margaret Richardson



When she hung her shingle, Kelly sent a notice to “everyone I knew,” and she slowly, steadily built a client base. She's also joined business groups like the Chamber of Commerce, published articles in trade publications, and had speaking gigs at CLE events, all of which have led to new clients. “Many of my friends have also had great success with Google advertising,” she adds.

Kelly charges clients an hourly fee or works on contingency, depending on the matter. Financially, she's doing well based on what can reasonably be expected in the first year of going solo, says Kelly, who had conducted extensive research on solo practices and saved for many months before leaving her law firm. Even though she's billing fewer hours because of administrative tasks, “I manage to break even and am slowly making a profit.”

But even attorneys who haven't saved can open a law office for as little as \$1,000 a month, with a virtual office and a reasonably priced insurance policy, Kelly says. In this recession, it's also a great time to score cheap office furniture and deals on rent.

In addition to online resources like myshingle.com, Kelly consulted two books on going solo: *The California Guide to Opening and Managing a Law Office* (published by the State Bar of California) and *How to Start and Build a Law Practice* by Jay Foonberg.

Having control over her own cases and clients is the biggest perk of being on her own. “I have greater enthusiasm and energy because the clients are mine,” she says. As for the challenges, those mostly consist of law practice management duties, including billing, bookkeeping, Web site development, and forms production. “These are all the things you don't do as an associate at a law firm.”

In the short term, Kelly's goal is to earn as much money as she had been at a law firm. Her long-term goals include hiring an associate and support staff. (She currently shares a receptionist with others in her building.)

“The biggest piece of advice I have for an out-of-work attorney who is considering a solo practice: have confidence in yourself. Know that you can do it.”





Clean Slate Clinic and moved to Chicago. After Obama's election and during the transition, Richardson assisted the Justice Department agency review team.

During inauguration week, Richardson was sworn in as counselor to the attorney general for executive branch relations. Conducting executive searches for political appointees, Richardson now helps the White House identify the "best and the brightest" for the Justice Department.

"We need all of the lawyers and people willing to give their energy and commitment to serve," Richardson says, adding that of the 110,000 career positions in the Justice Department, only 200 are political appointees. Especially in times of economic crisis, "we need to focus the energy of the federal government. People's skills are needed."

Working for Obama has given Richardson "a new perspective on the range with which attorneys can serve and practice" law. Even for those lawyers who stay in private practice, emerging federal regulations will result in new legal work, both advisory and litigation.

For attorneys considering a new "path not so obvious," Richardson says it has paid off for her. "During the transition, I had no promise of appointment. But I was learning and working with talented people. It opened doors no one could have promised would be opened." Her advice? "Take a chance on the nonobvious career path. It worked out for me."

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## REDEFINITION— NEW MODEL FIRMS

When general counsels have short-term, finite legal needs like end-of-the-year deals or an in-house attorney on maternity leave, they're increasingly turning to "new model" firms like Axiom Legal and Paragon Legal. Renting lawyers out to companies, these firms operate without brick and mortar offices, enabling them to pass on steep savings to clients.

Mae O'Malley



For attorneys, the primary advantage of firms like Paragon is flexibility, says Mae O'Malley, founder of Paragon Legal, which serves clients like Yahoo, Cisco Systems, Autodesk, and Netflix. Unlike attorneys at traditional firms, Paragon attorneys get to cherry-pick their preferred assignments and can specify the maximum number of hours they'll work. This may be especially appealing to lawyers who have determined during this recession that they prefer a better work-life balance.

Lawyers get a "much more varied practice," O'Malley adds. "Projects typically last a couple of months so our lawyers are potentially working in-house with three or four different companies a year. They're making wonderful connections and experiencing different kinds of legal departments, which looks very good on a résumé. They've actually gotten some opportunities and exposure they wouldn't have had otherwise."

Income is another huge—and surprising—advantage of new model firms. "A lot of people don't do the math,"

she says. “Our lawyers will do just as well financially by working less.”

Paragon has an active team of thirty core attorneys and another thirty specialists “on the bench” whose niches are requested less frequently. Lawyers work under the umbrella of Paragon, which bills companies directly and pays attorneys by the hour. Paragon doesn’t yet offer employee benefits.

Regardless of economic conditions, Paragon adheres to strict employment standards: attorneys must have practiced for at least eight years and must have in-house experience.

“What’s new about the recession is we’ve seen a huge uptick in résumés that fit those criteria,” O’Malley says. Before the economy tanked, she received ten to fifteen résumés a week and would follow up with fewer than one in ten applicants; now she receives as many as thirty résumés from all over the country. “What is really striking is the quality. The lawyers are so incredibly talented. It’s a challenge to decide among many capable applicants.”

These days, Paragon clients are requesting lawyers with experience in technology transactions (especially government contracts) and biotech regulatory matters.

“As candidates, do your homework,” O’Malley advises. “Look at the hot, in-demand areas. There are jobs out there. Cull through your résumé. You may not realize you have [the skills and experience required]. Specifically cater your résumé toward the specialty clients are looking for.”

O’Malley suggests that attorneys with only law firm experience, and who are therefore not qualified for employment at Paragon, consider hanging their own shingles.

“Chances are, those attorneys have built up quite a nice network. You probably could set up a solo or small boutique and do pretty well. You can charge a decent hourly rate that’s probably better [for the client] than a big firm. That’s a fantastic idea for someone fifteen to twenty years out, especially because so many clients are looking for value right now.”



Linda Marks



## REDEFINITION— **HASTINGS OPTING BACK IN PROGRAM**

What began three years ago as an intimate, in-person career assistance program for attorneys redefining their careers has evolved into a vibrant, national telephone consulting group with a waiting list of more than seventy-five.

The Opting Back In Program at UC Hastings College of the Law provides career transition assistance to lawyers who have not been working for at least a year and are considering a return to legal practice. Most participants have been caring for children, elders, or a spouse, but they don’t have to be women or even Hastings graduates, says Linda Marks, director of training and special



projects at the Hastings Center for WorkLife Law. “One woman had been out [of law practice] for more than sixteen years and got a job right away.”

The Opting Back In groups, composed of ten lawyers, meet by phone for ninety minutes twice a month under the leadership of Marks and Maryland-based career coach Ellen Ostrow. Lawyers participate from as far away as Italy, using Skype to join in.

The first order of business is for participants to define a specific, measurable goal to be accomplished by the end of the three-month program. Everyone’s goals are different, according to Marks. One lawyer’s goal may be to talk to attorneys with bankruptcy and estate planning practices to learn how they spend their days. Another goal may be coming up with three alternatives to a previous practice area. Another may be to secure a law firm or government agency job in a preferred specialty. Yet another goal may be to get current in health-care law through CLE programs.

“The important thing is for everyone to keep going,” says Marks, who plans to train new group leaders to accommodate the growing interest in the program.

The advantage of Opting Back In over a private career counselor is, according to Marks, primarily the cost. Opting Back In is \$150 a month for two ninety-minute sessions, plus follow-up with the experts, an extensive resource list, and field trips for local participants to places like San Francisco’s public law library. Also, for lawyers who would otherwise be embarking on a career transition alone, the peer support and community atmosphere of Opting Back In is unbeatable, Marks adds.

“At the beginning of each session, we do check-ins and everyone gets feedback from others,” she explains. “You’ll hear, ‘Have you tried this?’ or ‘I have a friend in environmental law.’ One participant said, ‘I no longer feel like I’m alone on an iceberg.’”

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