



ATTORNEY SEARCH

By Peter L. Smith, Esq.

The Definitive San Francisco: Report for Fall 2006 on the Vitality of the San Francisco Market

As warm as you can get without being 'hot':

SF and Bay Area firms are growing, expanding, adding new practice areas, fleshing out their existing practices, and merging. If that is not a hot, market, what is? The only caveat is that firms, while as bullish as ever, have a completely different mind-set going in. Before the 'dot.com' boom, firms saw needs, and hired-immediately. Now, needs are identified, discussed, pass through committee, are communicated (more or less) and then sit unfilled for months. This is because the new paradigm is caution, deliberation and still more caution. Firms are indeed looking to hire-their associates are over-burdened and their clients' needs are going unfulfilled, but firms absolutely refuse to be caught with their pants down this time. This means that firms will hire, but the candidate must be PERFECT fit. Rather than be afraid of distinguishing yourself, rather, candidates need to do everything they can to push 'meat on the bones' and communicate their particular, individual mission. In short, you must know what you want to do and be able to communicate it. (Note to self: that is what your recruiter is for.)

Regardless, below is a blow-by-blow with respect to the condition of the micro-markets within the SF global market:

General Corporate, M&A, & Securities

Condition: Hot

Candidate pool: Medium.

Details: Firms are looking to hire, but they want the best. As usual in this market, a corporate candidate must be a generalist, but with a few niche-specialties under his or her belt to bring to the table. Resumes must emphasize the broad-based nature of the candidate's experience, and what value-added they can bring to client, now.

Labor & Employment

Condition: Hot

Candidate Pool: Large (with caveats!)

There are a great number of opportunities in traditional labor and employment positions. Again, generalists are welcome to apply. The best candidates are well-versed in all aspects of disability, wage & hour, wrongful discharge, etc., and have their share of client-presentations and general education seminars under their belt. Also good, write an article. There are so many new developments in this dynamic area that one could spend their entire career writing. Thus, demonstrate that you are up on the latest by volunteering now to give your best clients a free presentation on late-breaking topics. Because the candidate pool is sufficiently large, you must distinguish yourself to get noticed.

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ERISA; Corporate Benefits*Condition: Cool**Candidate Pool: Small*

If you understand supply and demand, you have this one figured out. The needs are there; they are constant; candidates do get placed.

Energy; Environment*Condition: Warm**Candidate Pool: Small*

In this practice area especially a candidate needs to communicate clearly their particular experience. There are a number of quality niche practices in these areas all over the Bay Area, and one may very well fit your credentials. There is a constant need to re-fleshing out of these ranks; there seems to have been a higher-than-usual attrition in this area of late.

Tax*Condition: Lukewarm**Candidate Pool: Small*

The needs here do not seem to have changed much. Positions are out there for the right person, but the market is thin in this area as usual.

Bankruptcy*Condition: Cool**Candidate Pool: Small*

There are few needs as SF is not a larger bankruptcy market, especially now as the overall economy seems bullish. You must bring top credentials to such a search.

Trusts & Estates*Condition: Cool**Candidate Pool: Small*

The needs are few and not-well communicated. However, on balance, needs slightly outweigh available talent, so the diligent find positions.

Intellectual Property Litigation*Condition: Hot**Candidate Pool: Medium*

A full two-thirds of all litigation needs in the city involve IP at least tangentially. The need is high and the pool of qualified candidates is not as large as one might otherwise think. As always, the key is to identify clearly one's particular experiences and the industry that one's clients have served to date.

Intellectual Property Transactions*Condition: Hot**Candidate Pool: Medium*

Again, this area is humming along quite well. Candidates that have corporate governance and other transactional experience combined with some litigation and other IP experience may find such positions a good fit. The practice area calls upon a fair number of disciplines.

Patent Prosecution and Litigation*Condition: Hot**Candidate Pool: Medium*

Technical degrees-especially BSEEs and MSEEs are coveted. If you have one, call me! The needs are constant and varied, and there is a perceived lack of adequate talent. As one would expect, with respect to patent prosecution, the higher degree of technical expertise you have, the looser the standards will be on the legal experience and credentials side. Obviously, strong performance in science as well as in law is desired. If you are interested in patent litigation, the same is largely true, but make sure you that you have solid experience. General commercial litigators need not apply, generally speaking, unless academic and firm credentials are of the highest order.

Real Estate

Condition: Hot

Candidate Pool: Medium

I refrain from further use of adjectives and the 'bold' feature on my word processor to accentuate how dire the needs in real estate are. There are numerous positions available to qualified candidates. If a particular candidate's credentials are not stellar, but there is solid, broad, and well-documented experience, that may suffice.

Commercial Litigation

Condition: Warm

Candidate Pool: Large

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Litigation is generally strong. Candidates possessing some IP experience are preferred. As always, one must do one's utmost to distinguish one's credentials.

And now a word about business:

The word is: Yes! Firms are growing. If you have a book of business, now is an excellent time to consider finding a more appropriate platform. This means that firms are not only looking to expand the depth of existing practice areas, but many are seeking to add as many niche practices as they can. The new paradigm is full service. Partners looking to change platforms need to think more about the existing (and nascent) culture of target firms and a firm's recent and anticipated business moves with respect to geography, client base and practice group, ahead of the existing depth or quality of a current practice.

Conclusions:

Firms are nearly universally in a growth mode for a variety of reasons. Basically, the relatively strong economy, combined with the implacable advance of globalization, and economic principals that I am not qualified to expound upon, mean that the nature of what a "market" is has changed. Namely: they are broader in geographic and subject-matter scope. That means mergers, mergers and more mergers. This means huge opportunities for lateral movement. Beware, however. While I am currently in discussions with more than one firm trying to literally double geographic scope and size, each individual attorney is scrutinized carefully. To 'get in the chair', you must have a crystal clear understanding of your own personal strengths and weaknesses, and be able to demonstrate a high level of understanding about how your particular credentials and experience can add value to a particular firm's practice group.

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