



ATTORNEY SEARCH

by A. Harrison Barnes, Esq.

THE IMPORTANCE OF FITTING IN

One of the most persistent mistakes legal professionals make is to not understand the importance of “fitting in” in their work environment. Indeed, fitting in is something that both enables you to get and keep a job. In terms of what it takes to succeed in the practice of law over the long term, “fitting in” may actually be more important than your skill level.

This little known observation is something that is lost on many legal professionals and can result in unhappy and unfulfilling careers. Conversely, being aware of this often results in very happy and fulfilling careers. The problem is that it is often the very best attorneys and those with the best academics and technical skills are the ones who end up not fitting in.

Having been raised to believe that the true measure of success can be measured purely by how well they perform academically, many attorneys enter the legal profession like a comet. They arrive at the very best firms and soon leave this firm for the next and then the next. If they are smart they learn the importance of fitting in. If they are not smart, their legal career is quickly over and they are left blaming a self-imposed set of circumstances and people for the problems in their careers.

I have been a legal recruiter for several years and am constantly speaking with firms that are hiring, laying off and firing attorneys, paralegals and legal secretaries. Obviously, in my job I am constantly seeing both good and bad things happen to people searching for jobs. The interesting thing about my work is that I often get a first-hand account of why people are getting hired and why people are losing their jobs. If there is one thing that sticks out for me, it is that the people who get hired and keep their jobs are generally those who fit in. The people who are losing their jobs, and having the most problems landing employment are those who are not fitting in.

A. THE IMPORTANCE OF ACADEMICS AND “EXTERNALITIES” TO YOUR JOB SEARCH

In order to get an interview at certain hiring legal hiring organizations, you do need (for the most part) to have certain qualifications. If a law firm is seeking someone with three years of experience, you are going to need to have something close to that. If a law firm hires people out of the top 1/3 of

their class from only top 25 law schools, you are also going to need to have something close to these qualifications. With very, very rare exceptions though, once you get beyond these types of hiring criteria you are going to be competing with a large group of people. Who do you think is going to get the job?

I'll tell you who is going to get the job: The person who meshes best with the hiring committee.

Most attorneys presume that the most important thing that employers are looking for in an interview is whether or not they have the skill set to do the job. Whatever the qualifications of the job, the fact of the matter is that the employer would not even be interviewing you if they did not think you could do the work. Whether you are a secretary, attorney, or paralegal, virtually every legal employer out there is smart enough to know that you can be trained to do the work they are interviewing you for if your skills are not immediately on target. Employers may use your skill set as an excuse NOT to hire you after the interview. More often than not, though, the person that gets hired is the person they feel would fit into their firm best.

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A. What Is "Fitting In?"

The remarkable fact about fitting in is that it will vary depending upon the legal organization you join. Fitting in will mean something different if you want to work for the government than it will mean if you want to work for a law firm or a corporation. Fitting in simply means that you will be comfortable around your coworkers and they will be comfortable with you. Fitting in can also be akin to being part of a family-everyone may not be the same; however, they share a certain set of beliefs and philosophies about the world.

Being comfortable means different things to different people. This can be expressed as a set of positives or as a set of negatives. Your employers do not want to have to think they will be uncomfortable around you. Your employers do not want to have to think that you will be critical of them. Your employers want to think that you will embrace, on philosophical and moral levels, their approach towards business and the world. Your employers want to feel that you will get along with everyone in the office and will not be a source of tension. Your employers want to think that you will identify with them and be sympathetic towards them. Your employers want to think that you will support them and back them up. On yet another level, your employers want to see you as a "kindred spirit" and someone they can take a maternalistic and/or paternalistic approach towards.

The more an employer views you as a "kindred spirit" and someone they can take a maternalistic/paternalistic approach towards, the more likely you are to get hired and remain hired once you are with a particular legal organization.

While the analogy is far from perfect, a legal employer, in many respects, can be viewed as something akin to an immediate family. In any family, there are likely to be a variety of different personality types. Nevertheless, most families share a lot. They tend to share the same religion, they tend to share certain values among their members, they tend to have similar beliefs about the importance of education, and they may enjoy doing certain things together. They are also likely all of a similar economic background and know a lot of the same people as a group. These commonalities are something that bind them together on multiple levels despite all of their differences. It is because of these commonalities that most families, for the most part, are comfortable among one another.

In order to fit in with a legal employer, you need to be seen as a member of the family. In order to be a member of the family, you need to be bound to the employer by a set of commonalities. On its basest level, going to a good law school or getting good grades there may be enough to break the ice. This is not something that enables you to fit in over the long term, though. In fact, having a shared experience and an outlook towards the world is the one thing that is likely to help you the most. This is the essence of fitting in. The most successful attorneys and legal professionals are those who are able to fit in with their employers' environments.

At the risk of being "non-pc" I will simply note a few things. If you examine most law firms closely and get inside of them you will almost always notice some very strong similarities in terms of the type of people that are most often hired. The people are never the same; however, their tolerance (or lack of tolerance) for certain types of behavior is often quite similar. In addition, many law firms are comprised of people with a very similar set of life experiences. Many law firms may be male dominated bastions made of groups of men with an affinity for football. Still other law firms may be comprised of a great deal of former military men. Other law firms may be dominated by people of a certain race, religion or even sexual orientation. Whether or not any of this is "correct" is not for me to say. What I will say, though, is that none of this is the least bit surprising. People want to be around others that they feel comfortable with and share a similar set of experiences with. If you share a similar set of experiences to any of these dominant groups, you are more likely to get interviewed, hired and promoted.

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And this brings me to an important point that is significant enough, but that few legal professionals ever take the time to realize. You cannot fit in with every group of people. Certainly there are law firms and legal employers in every city of the United States that are considered the most prestigious. You may have the academic and other qualifications to go work at these places. The question that is important, though, is not whether you have these credentials, but whether you fit in. You are likely to experience the most success and longevity in the practice of law if you find an organization where you fit in. If you do not find an organization where you fit in, you are likely in for a rough ride.

The drive to succeed for certain lawyers dictates that they only go to the hiring organizations that are the most universally recognized as the best. The concept of "fitting in" is so often ignored when it is the most important aspect to consider, in my opinion. In their drive for success, attorneys ignore what is important for them and give more credence to what the dominant opinion says is the best and the most important.

B. FITTING IN AT DIFFERENT STAGES OF YOUR LEGAL CAREER

I would like to walk you through a typical legal career from (1) being hired as an associate out of law school, (2) being hired as a lateral attorney following working in a legal environment for some time, to (3) making partner in a law firm. If you are not an attorney and work in the legal profession in another context, the same observations will likely apply.

1. The Importance of Fitting in When You Are Interviewing With Employers in Law School

In law school, certain firms and employers will generally only interview you if you (1) are coming from a certain level of law school, and (2) have a certain grade point average. Once you get the interview,

though, it is all up to you. The most important factor determining whether or not you get a position will be your ability to fit in.

Many of the best minds in the legal profession never are able to get positions in prestigious law firms precisely because they cannot fit in. There are, of course, firms out there that will hire people because of their sheer academic prowess. Indeed, the better your law school and the better your academic performance, the more likely it is that employers will “look the other way” if you do not fit in perfectly. Nevertheless, on some level you are going to need to fit in. As you move down the food chain in terms of your law school and academic qualifications, the importance of fitting in continues to increase.

If you are currently practicing at a large, prestigious law firm, or if you worked there as a summer associate, take a few minutes to consider the following. The people with the worst academic qualifications are often the people who fit in the best. They act as lawyers from the firm are expected to act. They have the right level of professionalism. They get along the best with others. While this does not always hold true, it does more often than not because these people got into the law firm because they excelled on this fitting in/social level the best. The news is that these same people are often the ones who do best in the long term in the practice of law. The ability to fit in will only continue to increase throughout their careers.

I want to give you a couple of illustrations from my own law school experience.

In my second year of law school I was in an interview with the hiring partner of a law firm that—quite frankly—was at such a rarefied level that I did not think I deserved to be interviewing there. This high powered law firm came to my law school (a top 10 law school) and only interviewed five people for 1/2 hour each before jetting back to New York. Most other high powered law firms came to our school and interviewed all day. Some even interviewed for a couple of days straight. Suffice it is to say that this particular law firm is often considered the very best New York law firm and its interview schedule simply reflected the fact that it did not believe more than five people in the entire second and third year class of nearly 800 students merited interviews. While I am sure that not everyone in my class tried to get an interview with this firm, I am confident at least 100 or so students did. I had no idea why I had been selected to interview with this law firm. The other four people they were interviewing with were widely known to be at the very top of their law school class. While I was a good student, in contrast to those people I was not all that special.

I entered the interview cognizant that I did not belong in the particular interview based on my grades and was surprised to see that the partner was very welcoming and in the interview asked me when I could travel to New York. At the end of the interview I rose to shake the man's hand and when he held his hand out he gave me my fraternity handshake! I realized right then and there that was the entire reason I had been interviewed. While I did not ultimately get this job (after a call back), I was the only student in my school that received an invite to visit this firm's offices despite the fact that I did not believe I deserved the initial interview.

If you think about what was going on there, I am sure that something similar to this has happened to you in your own career or job search at some point. If I did not have the academic qualifications to be interviewing with this law firm, why did I get the interview? The reason was because the partner had also been involved in the fraternity I was in. The fraternity was a small national fraternity with not too many chapters throughout the United States. He knew that I had endured

some of the same hazing experiences he had when he was younger. He also knew that we had sung the same songs and been indoctrinated into many of the same philosophies. He probably took an affinity to me because he saw me as somewhat like himself.

Many people who do not have a good understanding of the political nature of legal environments often presume that the purpose of an interview is for the employer to gauge their skills and technical acumen in the practice of law. This is wrong. People who succeed in interviews are people who the law firm perceives will fit in the best. Every single job I have ever gotten I have gotten because of these sorts of factors. I could go on and on with this list but will not. However, the single largest reason you are likely to get and keep a job is because of your ability to fit in.

If you are or were a summer associate in a law firm during law school, the test there was fitting in as well. Beyond your work ability and the economics of the firm being able to afford to hire you, your ability to fit is ultimately what will determine whether or not you get an offer at the end of the summer. The barrage of lunches, firm events, dinners and other group activities are all a test of whether or not you can fit in with the group.

The people that do not fit in with the group are always easy to recognize. They tend to be critical of the group. They tend to create problems with fitting in. The issue here is that most summer associates realize that it is all about fitting in. That is one of the main reasons that stories circulate each year about summer associates who do not fit in. These stories become widely circulated because they are so unusual. Here is one of the more notable stories I have ever heard. This particular story is told by Tucker Max, an individual who was a summer associate at Fenwick & West in Palo Alto, California in the summer of 2000:

--Original Message--

From: [Suppressed]

Sent: Monday, June 05, 2000 2:51 PM

To: [Suppressed]

Subject: The Now Infamous [] Charity Auction Debacle...

Here is the story of what happened to me this weekend at my firm's retreat. That's the last time I ever drink before an auction:

Aaron and I decide to leave for the Silverado Ranch by car instead of taking the bus at 2 pm. You have not lived until you've ridden through three hours of Bay Area traffic with Aaron at the wheel. By the time we got to Silverado, he was madder than fire.

The first reception starts at like 6pm. There are finger foods, etc., and lots and lots of wine and beer. Not really liking any of the food, I start drinking. Heavily. By the time I know what's going on, I'm talking to the name partner, Bill Fenwick, in a redneck accent. Of course, he is from Kentucky, so we talked about basketball for an hour. It was great.

About 9pm the charity auction began. There were lots of "Fenwick" type items, like a dinner cooked by the managing partner, etc. One of the items was an entire night chauffeured by the hiring partner, [John]. In my inebriated stupor, I thought that if I won this, then they would have no

choice but to give me an offer. The bidding starts at \$50. People are bidding here and there, but I get tired of all the slow bidding, so I stand on my chair, and hold up my bidding card. Without getting down. So the auctioneer takes this as a cue to just start yelling price increases, without even identifying other bidders.

When the price hits about \$800, [John] says that he will pay half if a summer associate wins. The bidding automatically doubles (John is a litigator). As the price gets to \$2000, I think I have the thing won. I get the "going once" call, and then this other summer, Aparna, goaded on by some partners, decides that she has to beat me. So the bidding hits \$2600, and before I know it, I'm on stage, taking the mike from the auctioneer, and yelling at Aparna to stop bidding. My exact quote, "Aparna, seriously, stop. I have to win, this is the only way I'm getting an offer."

So that just inspires more partners/attorneys/recruiting staff to contribute to Aparna's pool. When the bidding hits \$3400, I start yelling, on the mike, about how this isn't fair, because she has partners bankrolling her, but I only have a "few scrubby summers in my corner." I keep trying to bid only like \$5 more than her, but the auctioneer gets all mad at me, and is making me bid in hundred dollar increments. When her bid hits \$3800, I get back on stage. After some banter, the auctioneer asks me if I want to bid \$3900.

I ponder this for a second, and in front of the whole firm and spouses/significant others, with the mike in my face, say, "Fuck it-go ahead."

I won the auction.

This particular email was rapidly circulated among most summer associates in large law firms around the United States after it was written. From a social standpoint, the reason this email was so widely circulated because it shows the antithesis of fitting in and highlights the importance of doing so.

Whether your legal career is in house, or with a law firm, chances are that you will be working in close proximity to a relatively small group of people. For example, if you are a litigation attorney, you will be practicing with other litigators in your firm. Even with these litigators, you are likely to practice closely with a small group of partners or associates. Since you spend so much time at work, these people are going to become quite aware of your style of work, your personality and, like it or not, a lot of details of your personal life. In all of this, these people are going to want to feel comfortable around you. In addition, these people are going to want to be able to feel that they can develop a relationship with you over time. In all respects, you are going to need to fit in.

2. The Importance of Fitting in When Being Hired as a Lateral Attorney

Fitting in is important to being hired as a summer associate and then given a permanent offer once you are a summer associate. However, after you have been practicing for a few years and want to transition into a new law firm, the importance of fitting in will arguably be further amplified.

When employers hire people at the lateral level, they are generally asking themselves a couple of things. The first thing they are asking is whether or not you can do the work. In almost all

instances, your resume will answer this question. If you get into the interview, chances are the law firms will then be trying to decide whether or not you fit in.

Shared experiences take on a different form when someone is trying to move laterally to a law firm. As a legal recruiter, my job is made easier by knowing the sorts of shared experiences that are likely to get people in the door in different sorts of law firms. For example, if someone is in Los Angeles and worked for the Los Angeles office of a major New York law firm, I know that other New York based law firms in Los Angeles are more likely to be interested in that attorney than Los Angeles based law firms of a similar prestige level. The perception is that these attorneys will share a certain "New York outlook." In fact, who knows why this occurs. The same can be held true if one is moving in Palo Alto from one major law firm to another. They are most likely to be hired by another major Palo Alto firm.

All of these similarities are based on shared experiences and the perception that these people will fit in. Certain firms will simply not hire from certain firms (even firms that are generally considered better than them) because they believe that people from these law firms will not fit in. Most often, these firms say things like "these attorneys are all too arrogant" or something of the sort. The same analogy holds true for firms when they are making decisions about the types of paralegals and legal secretaries to hire as well.

When attorneys are in the job market, an exceptional legal recruiter will instinctively know what types of attorneys are likely to get interviews with certain firms and which ones are not. This calculation is based first on externalities such as the school and firm the person is coming from; however, it is ultimately based on other factors in the attorney's backgrounds that are often less evident.

Recently I have seen attorneys ultimately hired over many other applicants for what I believe were the following reasons:

- a. I believe one attorney was hired for a \$200,000+ a year job over more qualified candidates because he, like the partner who hired him, enjoyed surfing;
- b. I believe one attorney was hired because she attended the same religious group as the hiring partner;
- c. I believe one attorney was hired because she had formerly followed the Grateful Dead like a partner in the firm;
- d. I believe one attorney was hired because of his military background; and,
- e. I believe one attorney was hired because of her ongoing participation in a controversial protest organization.

I could continue this list indefinitely and give you countless examples. People always talk about stuff like "you have to know someone there to get a job" and so forth. I too believe it helps get a job at certain hiring organizations if you know someone. The reason is because you have already proven that you can get along with someone who fits in with that firm, which means you, too, will be more likely to fit in there.

I know of dozens of instances at various firms throughout the United States where laterally hired attorneys with, frankly, horrible academic qualifications are practicing at major firms alongside people with first-rate academic qualifications and were hired at the lateral level for these positions. Why do you think this is so? In many cases these people with horrible academic qualifications may have some unusual and highly-valued legal skill. Still, more often than not, I have discovered these people knew someone.

This is how things work in the world. If you fit in, you are more likely to succeed in an organization and get a job there. I could also tell you that there are firms out there that I believe are somewhat racist and hire people that are likely to fit that mold. My purpose here is not to be judgmental. There are certainly other factors that firms consider when making hiring decisions. Nevertheless, when all is said and done, many of these hiring decisions are the product of people "fitting in."

3. The Importance of Fitting In To Becoming a Partner in a Law Firm

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This discussion could continue indefinitely, so I will not go into all that much detail here. In order to survive in a law firm, you will need people higher up than you in your corner. You can get people in your corner by working hard. Nevertheless, there will always be people working hard and in large law firms many-if not most-of these people will be asked to look for another job before they reach their eighth or ninth year of practice. The people that most often get higher-ups in their corner are the ones that are able to establish bonds. These bonds will make people go to bat for them and help them. These bonds will also humanize them to their employer and make it much harder to let them go, or not make them partner.

Another factor that is also of great importance to making partner in a law firm is getting clients. Without going into a lot of detail, the attorneys that are most often successful in getting clients also tend to have very good social skills outside of the office. A lot of people like them, trust them and identify them and, consequently, give them business.

C. CONCLUSIONS

Most of the conclusions that can be derived from this article you can derive on your own. You need to understand, however, that fitting in is probably the most neglected topic in what it takes to succeed in the practice of law if you are working with a group of individuals. Fitting in can be done on several levels and oftentimes you may not even be able to articulate why you do or do not fit in with a particular group. Fitting in is also something you cannot fake. You can often get a job without fitting in but will have a very difficult time keeping it and advancing if you do not fit in.

When you were in elementary school, junior high school, high school and then college, there was probably a group you fit into. Think back about the reasons you fit in with those groups. Certainly, you have changed over time and will continue to change. The most important aspect of why you have fit in with various groups in the past, though, was based on how comfortable you felt with that particular group of people and how comfortable they felt with you. Your happiness and the success of your career depend on the ability to recognize when you fit in and when you do not.