



ATTORNEY SEARCH

by Stephen Seckler

## **Making a Lateral Move: Are you ready? How should you conduct your due diligence before jumping?**

...Should I Stay or Should I Go?... The Clash

Accepting an entry-level job at a law firm signifies the clearing of the first big career hurdle for a law student. It is a goal that took years of hard work and academic achievement to reach. But at some point, young associates should set new career goals. Will the new goal be making partner? Creating a permanent non-partner status for yourself at your present firm? Going in-house? Joining a smaller firm? Starting your own firm? Leaving the practice of law?

As a legal recruiter and an attorney who has spent many years focused on professional development for the legal community, I am still surprised at the lack of direction that many young associates have. There is widespread belief that partnership is an unlikely scenario, and many say they would like to hear about in-house opportunities at a later date. Others indicate that they want to continue building their litigation, corporate transactional, or real estate skills. But when I ask associates where they see themselves in several years, many have no idea.

It is not surprising that even at major firms, large numbers of associates do not have career objectives. Associates at these firms have been able to achieve great professional success by performing well at a respected law school. For this top pool of students, job hunting has typically involved putting resumes into the correct on-campus recruiting boxes. Many of these students have been spared the adversity of a difficult job search and the questions that can accompany such adversity (e.g., What do I really want to do with my law degree? What interim career steps might I need to take to get there?) Simply put, if a lot of employers are trying to recruit you, then it is easy to avoid the bigger questions (or at least put them off).

Financial stresses in the practice of law have also put pressure on associates to bill more hours. With little time left for family, friends, and oneself at the end of the work week, it is not surprising that many young lawyers are not spending a lot of time reflecting on their careers when they are not working on client matters.

But an equally important factor is that many associates in the larger firms receive little mentoring from their superiors. Boston Globe columnist Diane Lewis underscores the importance of having a mentor. In her column "On the Job," she notes that "...successful executives will likely tell you that help from a well-placed mentor was the single most important factor in catapulting a promising employee into a top job. Mentors warn against dangerous career moves and guide employees away from political or cultural minefields." But in many law firms, gone are the informal conversations that once helped an associate plot out a course for the future. In fact a

**Making a Lateral Move:**

number of associates have commented to me that most of their communications with partners are by email and/or voicemail. Work gets done, but little else is communicated from partner to associate.

With little guidance, a heavy workload, and little experience in setting career goals, it is no surprise that for most associates at major firms, career planning is absent. If they feel ready for a move, these associates will respond to inquiries from recruiters and may even respond to some advertisements; but few have developed ultimate career goals or a strategy for obtaining their goals.

So how do you know if you should consider a lateral move? What are some of the reasons you might want to switch firms, and what are some of the reasons you might want to stay put?

#### Good Reasons to Consider a Lateral Move

A successful career is usually a series of steps. If you know where you want to go, it is easier to decide what the steps are, but sometimes you can make a good career move without being certain what lies beyond. The important thing is to know what job (or jobs) you might want after your next job. You then need to ask yourself this question: Is the position in question preparing me for that next move?

In today's labor market, employers generally assume that you are qualified to do what you have done in the past. Therefore, wherever you are, you want to be sure that you are getting the experience and training that you need (and maybe the contacts that you need) to get your next job. For example, if you have your sights set on working in biotechnology but you do not know whether that means in an in-house legal department, in a firm with a strong biotechnology practice, or in a non-legal position, then moving to a law firm that lacks this kind of practice may not be your best career choice even if you are less than happy with your current work environment. On the other hand, if you think that you would eventually like to open a practice of your own (or a practice with a number of partners), moving to a corporate department where your workload is not so specialized may help prepare you for the more diverse workload that one encounters in a smaller firm.

#### Timing Is Also an Issue

The closer you are to law school graduation, the more you will be evaluated on your law school record, rather than your specific work experience. So making a lateral move will be easier earlier in your career if the move also involves some kind of career shift. For example, if you are thinking of moving to a firm with more intellectual property work and you have not had a lot of exposure to this type of work, it will be easier to make such a move when you are a junior associate. But if your interest in moving has more to do with the types of clients that you will get to work with (e.g., large financial institutions vs. small entrepreneurial companies), then there is less need to move quickly. In general, though, it has been my experience as a recruiter that it is harder to make a lateral move into a medium or large firm once you are beyond your fifth year (unless you have cultivated a book of portable business, something few mid-level associates have done).

#### Are You Getting the Training You Need to Prepare You for Your Next Job?

A major structural change has occurred in the U.S. workforce. The paradigm of loyalty and hard work equals lifetime employment has been replaced by a new paradigm: Show your commitment and hard work, and in exchange, you will be employed as long as the firm needs your skills. In addition, you will be given opportunities for professional growth that will position you for your next job. For the most part, the first half of the new paradigm has seeped into law firm culture (i.e., you will be employed as long as the firm needs your skills, and your chances of partnership are far from certain.) But not every firm has embraced the employee side of the paradigm (i.e., ample opportunity for training and mentoring is the quid pro quo for lack of partnership opportunity).

If what you are looking for are better mentoring and training opportunities, there are some firms (or departments within firms) that have better reputations than others. But you need to consider not only the new firm's overall attitude about training and mentoring, but also the particular department's experience and the track record of the partners for whom you will be working in order to evaluate whether or not you will get this at the new firm.

#### Can You Improve Your Partnership Potential?

While no firm can guarantee that you will become a partner when your time comes, there are certainly some firms that have better track records than others and certain firms where there is "more room at the table." There are also some firms that are only interested in laterals who are "partnership material" and others who are just looking to satisfy an immediate staffing need. If partnership is your concern, how does the new opportunity rate in this regard? How many associates in your practice area have become partners in the last three years? What is the firm saying about your partnership potential when they are courting you for a lateral move? What is the firm's track record of turning lateral hires into partners?

PAGE 3

#### Good Reasons to Stay in a Job You Do Not Like

If the job that you are in is making you very unhappy, that alone is not a reason to move on to a new situation. If you are getting good training and the work you are doing is positioning you well for the job you really want, then maybe you should stick with it so that you can continue to develop the skills and contacts that will put you where you want to be in several years. On the other hand, if you have sunk into a depression, found yourself getting sick frequently, or felt that the stress is taking a toll on you, then maybe it is time to consider an alternative even if the current position is leading in the right direction professionally.

Another good reason you may want to "stick it out" is to bring down your law school debt. You'll have a lot more flexibility down the road if you are less reliant on a very high salary.

Similarly, if you are not doing the kind of work that you like, but the firm does have some of this work, be more persistent in asking for what you want. As a known commodity, it is easier for you to make a dramatic switch internally than it is to convince someone outside the firm that you can do the kind of work that you would like to do (but have not done). You do need to phrase the request carefully, though. The issue is not that you dislike what you are doing, but rather that you would welcome the chance to do the other work.

I have heard many stories of associates who have even switched departments by demonstrating an interest in another practice area (e.g., a litigator who did some corporate work on top of his full litigation load and, within two months, convinced the firm to let him switch departments). But I also receive calls from associates who would like to make some kind of a switch and have not even tried internally to ask for what they want (e.g., a litigator at the branch office of a Boston firm who had not considered asking about the prospect of coming to the Boston office).

#### Due Diligence

When trying to evaluate a lateral opportunity, it is important to do your homework. Talk to past and present associates of the new firm and find out what they think. But if you do not ask the right questions, you can easily be misled. It is equally important to consider the source of the information. Accepting conclusory statements like "The hours aren't too bad" or "This is a difficult place to work" is not going to help you make an informed decision. For those of you who are litigators, you know the drill. Now you need to apply it to your own professional life. For those of you who are not, here are some more targeted questions to ask.

How long has the associate worked at the firm? If he/she arrived there laterally and he/she has only been there six months, his/her workload may not reflect the norm. If you are questioning someone who has left the firm, find out why he/she left. If he/she left because of some condition at the firm, does that condition still exist? While old reputations die hard, the arrival or disappearance of particular partners or practice groups can dramatically influence a firm's culture (for better or worse). I am also aware of a number of firms that have really turned things around after bringing in a management consultant. You also need to know the answers to these questions: With whom did he/she work? What did he/she work on and in what department? What are his/her perceptions based on (actual observations, hearsay, rumors, old information)? What time does he/she typically leave the office, and is that the norm?

Ultimately, you won't know what it is really like until you get there. There is a fundamental principal that everyone forms his/her own relationships based on the dynamics he/she has with other individuals. No one's experience can substitute for your own (not to mention the fact that everything changes over time). Still, there is a lot you can do to minimize the risk of making a bad decision.

In conclusion, spending even a small amount of time identifying what is really important to you will make it a lot easier to evaluate a new opportunity when it is presented to you. If you have some idea of where you are heading, you will know whether something is a good opportunity that should be seized or a bad move. But if you do not take the time early in your career to think about your next move, you may find yourself job hunting when burnout arrives or when you find out that you were passed over for partner.

PAGE 4