



ATTORNEY SEARCH

By Caroline Lee, Esq.

Dear Petunia Partner: Practical Advice for the Everyday Lawyer (Installment #3)

I am pleased to introduce you to Petunia Partner, a lovely figment of my imagination and my homage to all of the wonderful advice columnists of the world. In this third installment, Petunia continues to offer up her very special brand of practical advice for the everyday lawyer. I hope Ms. Partner's lighthearted column helps you to avoid some of the common pitfalls that many lawyers face in today's hectic world. Petunia, take it away. . .

Dear Petunia:

I recently got laid off from my firm and am now working with a recruiter. He has asked me to provide him with a list of references from my previous firm. He also requested that when I ask partners to be a reference for me, that I confirm that they can give me a positive reference. I feel uncomfortable asking if they will be able to give me a positive reference or not. I don't want to come off as obnoxious in any way to my old partners. Is this something I have to do?

-Concerned in Cleveland

Dear Concerned:

You should never do anything you don't feel comfortable doing in your job search. That being said, I think it is an extremely good idea to follow your recruiter's advice. I believe that it is absolutely fair to ask your partners directly if they feel they can provide a solid, informative, and positive reference for you. In doing so, you are only confirming that the references you choose feel totally comfortable talking about your work, professionalism, and personality.

Furthermore, by asking your references if they feel they know you well enough to provide a thorough and positive reference, you are essentially giving lukewarm references an "out." In other words, by phrasing your request in this way, certain references who don't know you as well may feel more comfortable graciously declining your request. Generally, most people feel bad saying no to the question of being someone's reference. Thus, by specifically asking if your references feel that they know you well enough to act as an in-depth character and professional reference, you will be able to weed out any partners who would possibly give you a lukewarm or uninformed reference.

In this market, it is imperative to cover all your bases in your job search. You don't want an offer to fall through simply because you chose the wrong references to give. References should absolutely be those attorneys that you have worked with who will vouch for you and speak well of your reputation. Thus, it seems completely necessary in my opinion to ask these same references if they feel comfortable giving you a good recommendation. Otherwise, you are leaving too much to chance.

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Dear Ms. Partner:

I am in the final interviewing stages with a firm I would like to get an offer from. The prospective firm is in the process of checking my references. I heard from my recruiter that they haven't been able to get a hold of one of my partner references for two weeks. He apparently hasn't returned any calls from this interviewing firm. This is starting to reflect badly on me, and I don't know what to do. With the economy being so shaky, I don't want anything to jeopardize my ability to get an offer at this firm. Help!

-Troubled in Tacoma

Dear Troubled:

First things first: don't panic. There are probably a lot of reasons why your reference hasn't gotten back to the interviewing firm. If you had previously confirmed with your partner that he would act as your reference and that he would feel comfortable giving you a positive reference, there should be an alternate explanation for his non-response. As you know, partners have extremely busy schedules. Perhaps he has been traveling for the past two weeks, or has been ill.

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I would contact the partner, either by email or a phone call, and politely relay that your interviewing firm has attempted to contact him over the past two weeks. This type of friendly reminder will most likely prompt your partner to answer why he hasn't been able to connect with your interviewing firm. Remember, although most partners are happy to act as references, your job search is generally not a top priority for them. Thus, a gentle request about making contact with your interviewing firm will generally start the momentum you need to connect your reference with your potential employer.

If for some reason you and the interviewing firm are not able to get a hold of your reference, apologize to the interviewing firm and offer up another name as a reference. Just make sure that this new reference retains some availability and understands that it is very important that he/she speaks to the interviewing firm as soon as possible. Most firms understand that partners are sometimes hard to get a hold of, so you shouldn't worry too much that this will negatively affect your candidacy in a big way.

Dear Petunia:

Work has slowed in my department to a great degree. My billables are horrendously low for this month and low for the past three. With all of the massive lay offs going down, I don't know if looking for a new position would be a good move. I have tried to get work from every partner in my group, but they barely have enough work to go around. Should I try to find a new position?

-Worried in Wilmington

Dear Worried:

Unfortunately, your situation is a common one in this struggling legal market. Many of my candidates have been seeking out work from other groups in their firm, in order to get any work possible to cover their billable hour requirements. At this time, associates are commonly venturing into vastly different practice groups (e.g. transactional attorneys taking on litigation matters). If a certain practice group is picking up steam, try to get assignments from these partners if the work has dried up in your group. You can also try to stay productive by taking on pro bono projects with your firm.

Even though you may not want to leave your firm, it still might be a good idea to start conducting a job search. Too many associates have buried their heads in the sand when they have seen signs of possible impending layoffs at their firms. Waiting until you have been laid off to start a job search isn't ideal. It would be a lot more strategic to be proactive and to start networking now, to see if there are any firms that are hiring in your practice area.

You can also contact a recruiter to assist you in your search and you should definitely have your resume updated and ready to go (just in case). Taking other active measures like decreasing your personal spending and minimizing

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expenses is also smart. You want to be in the best position possible if you are an unfortunate future victim of an economic lay off. Staying informed and being proactive will hopefully help you fare better in this difficult economic time.

Dear Petunia:

I am an associate at a big firm, who has just finished my 6th year. I was told in my last review that due to the economy, I wouldn't be up for partner for another several years. Confidentially, one of my partners has decided to leave the firm and start her own boutique firm and has asked me to join her. She has offered me partnership in her new firm and estimates that I will be compensated the same, if not more. Should I accept this new opportunity or is it too risky?

-Should I Stay or Should I Go in San Francisco

Dear Should:

In this economy, there are no sure bets. Thus, this is a hard question to give conclusive advice on. I think in this type of situation, you have to ask yourself what is important to you and make a pros and cons list. If your position at your current firm is pretty solid and you are receiving an ample amount of work, you may want to stay if the prestige of a large firm is important, in addition to a more stable work environment.

If making partner as a 7th year and developing a book of business now is more your cup of tea, then it may be worth the risk in following your partner to this new position. Keep in mind, though, that, like most other fledgling boutiques, this new firm will likely be run like a start-up company until it is able to establish itself fully. Thus, you may have to take on a greater administrative load and deal with the growing pains that any new company experiences. On the other hand, this new venture will surely be exciting and will allow you more opportunity for growth and direct business development.

If things are not as stable at your current firm and stability is of the utmost importance to you, you would need to do your best to assess which position would afford you more job security. If the partner that is trying to recruit you has a large book of business and your practice has slowed at your current firm, it may make more sense economically to join the new firm. There are so many personal and complicated factors that go into making a decision like this one, that there really is no "correct" choice that I can offer. I hope though that I have highlighted some of the issues you may want to consider in making this decision. At the end of the day, all you can do is make the best informed decision you can and then hope for the best.

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