

State of the Market - 2003 Fall

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Southern California

by [Claudia Spielman, Esq.](#) and Lisa Orlandi, Esq.

Los Angeles is busy hiring, and there are several practice areas which continue to offer great opportunities. Keep in mind that the hiring process can be slow at this time of year. This is recruiting season for law school and firms are flooded with resumes from law students.

There is a need for labor and **employment attorneys** at all levels. For senior level attorneys in this practice, having a portable business is not required. In fact, we are currently working on a unique search for a senior associate at a large firm to transition into a partner-level position with a lifestyle labor & employment firm.

Attorneys with 2-6 years of experience in the labor & employment practice are hot as well.

Several months ago, real estate was the hottest area to be in. Firms' needs in this practice have tapered off a little, but not a lot. Firms are definitely **hiring real estate attorneys**. Real estate attorneys with big firm experience should have no problem getting an interview at a reputable firm here.

Bankruptcy is a practice area that hasn't taken off as much as we expected; however, bankruptcy attorneys with large firm experience will have a relatively easy time getting an interview. It's hard to **find a bankruptcy attorney** with strong academic and professional qualifications. If you are one or know of one and want to move firms, you should have no problem in doing so.

Litigation is as always a great area to be in. Some of my clients have an on-going need in commercial litigation. Candidates with either large firm experience or strong academic credentials will likely get interviews, and those having both will likely have multiple offers. For those candidates who are coming from out of state, it will be more of a challenge. There are certain firms in LA that will never hire anyone who isn't a member of the CA Bar, no matter where you went to law school or what firm you work for. Luckily, most firms in LA are open-minded and take advantage of a good candidate when they see one. We have firms at all sizes seeking litigators. You can have your pick!

Environmental is not as hot in southern California as it is in the northern half of the state. There are a few **environmental openings**, but they are competitive. Although the rank of your law school is a factor, it is far more important to have practical environmental experience at a good firm. If you've got this, **give us a call**...we can help you.

Intellectual Property litigation is hot everywhere, including LA. Firms are trying to bulk up their IP practice so that they can get bigger and better clients and cases. I am seeing a trend for all general practice firms to get in on the IP kick. Firms have a strong preference for candidates with a technical background (such as electrical engineering, mechanical, physics, biology or chemistry) and 2-5 years of patent litigation experience. We will be seeing a lot of small IP boutiques merging with larger firms.

Product Liability litigation continues to be active and we have seen a steady stream of jobs for this area of law. Although it isn't as hot as some of the other areas of litigation, we have seen a lot of recent activity for product liability attorneys.

The market for construction litigation is better than that of product liability. In fact, we have seen several recent jobs for this area of law. If you are an experienced construction law attorney, licensed in California, and you are interested in practicing in the LA or **Orange County** area, there are several opportunities available.

Although there are jobs for securities litigators, this area of law has been a little less active in recent months. That said, there are definite opportunities for experienced securities litigation attorneys that have strong academic backgrounds and solid law firm experience.

Health care law has improved and we have seen several **new jobs for attorneys in this practice area**. Both LA and Orange County have had recent openings in this area of law. Although there are open positions, the competition is tight as there are many qualified candidates applying for these jobs.

Corporate and finance law is still slow. As the market improves, however, so will this area of law. We have seen an improvement in this area in the last few months, and although there are corporate jobs, it is incredibly competitive to get a job in this area because there are so many well-qualified and experienced attorneys vying for these jobs.

Partner and practice group movement is on the rise as we continue to get requests from firms for partners in all practice areas. We currently have a large number of partners interviewing at firms, and we are finding that partners with a book of business of at least \$750,000 are receiving multiple interviews. Partner activity is strong due to the economy: Firms simply need more people with business to generate work and make more profits. Most firms are currently seeking partners with a minimum of \$500,000 and they are actively recruiting partners with significant books of business valued in excess of \$1,000,000. The most desirable practice areas for partners with business are litigation and real estate. Some of the other sought-after practice areas are patent litigation, bankruptcy and corporate law.

In conclusion, although the economy is still slow, we have seen the legal market improve in the last year. We believe that the market will continue to improve at a slow and steady pace over the next few years. Gone are the days when firms will hire mass amounts of attorneys. Instead, firms are much more conservative in their growth and are hiring attorneys only when there is a demonstrated need for additional help in a firm's practice area.

Partners with substantial business are in demand all over the West Coast, including Southern California. As law firms struggle in this economy, they are eager for partners who can assist them in shoring up their economic stability. On the associate side, labor and employment and litigation are the hottest areas. IP litigators also have many prospects, as do bankruptcy and real estate attorneys. The market for corporate and finance is still not promising and although we are seeing an increase in these opportunities, they are incredibly competitive.

Northern California & the Pacific Northwest

by [James Fant](#)

San Francisco continues the long march to recovery, although the process is slower than many would like. There are, however, a number of current opportunities in most types of litigation. A disproportionate number of these openings are at premier firms. Also, there is an acute shortage of transactional real estate attorneys in the city. For anyone with big firm real estate experience who dreams of changing firms, or moving to San Francisco, now is the time to do it. Securities litigators are also in short supply. [Call our office](#) and I will tell you more.

Although it is premature to speak of a miracle in this practice area, there is no doubt that corporate opportunities continue their Lazarene recovery. The most recent placement this office made was of a [corporate associate right here in San Francisco](#). In addition, a number of our corporate candidates are currently interviewing, which is a positive indication that these placements will continue.

If you are even considering a lateral move, now is a fine time to explore the opportunities we have. Here's why: traditionally, there is a glut of candidates on the market immediately after bonuses are paid each year.

While this is understandable - who wouldn't be willing to stick around for some extra cash? -- and has become something of an annual tradition similar to the 'running of the bulls' in Pamplona -- there is an often unnoticed side effect. Firms that want to hire in Q4 find it increasingly difficult to do so as the year approaches its end. What this means in practical terms is that candidates who move in Q4 are often able to get ahead of the pack and find more attractive jobs than if they waited around like everyone else. It's a contrarian strategy, but one worthy of consideration given the devastation that the 'follow the herd' mentality has wrought in this area over the last few years. The net present value (NPV) of your earnings over the lifetime of your legal career is far more significant than a transitory bonus that often disappears as fast as your holiday tan. Even the tan will last longer if you can take a few weeks off after accepting the perfect offer.

Silicon Valley has witnessed the slow resurgence of patent prosecution hires, which have been moribund for some time. Firms which only last year were shedding jobs are now taking stock and realizing that some of the unkindest cuts may have been too deep: if a recovery is in the cards, they do not want to be forced to turn away work. This is true both at boutiques and at large firms. After a Rip Van Winkle-like slumber, electrical engineering prosecutors are starting to make a comeback. And the comeback is driven by big corporations; it has "legs."

Paradoxically, Silicon Valley also has growing contrarian credentials. While it was once the Mecca of hotshot [corporate attorneys](#), there are also a number of litigation jobs available on an ongoing basis. Many candidates dismiss these out of hand. In my view, this is a mistake. The I-280 is one of the most beautiful stretches of road this side of the Hindu Kush. Who says you have to live near the office?

Oakland/East Bay offers a number of civil litigation jobs. Insurance coverage, labor & employment, and again, transactional real estate opportunities also abound.

Sacramento is showing all of the signs of a "long boom." We continue to be bullish about Sacramento, despite recent inflationary trends. Housing prices allegedly increased nearly 20% in a single quarter. Nevertheless, the cost-of-living and quality-of-life remain very attractive for attorneys who want to buy a house (even young associates can have swimming pools - *gasp*), and not live in the Republic of Condoland forever.

Another bonus is that local firms are happy to hire out-of-state and (out-of-area) candidates from bigger firms. Imagine that. The boom/bust cycle that rocked the Bay Area is unlikely to recur here because the growth is based on sounder fundamentals. There is no 'dot com' bubble underpinning it. Instead, leading corporations are buying land and hiring workers at more favorable rates than elsewhere, as well as getting closer to the regulatory action that affect their businesses. Washington DC went through a similar long boom in the last twenty years. With a new, more muscular governor coming to town, this trend may accelerate. I will only note that if the business climate improves even marginally the legal economy will also gain, with the possible exception of worker's comp cases.

Washington and **Oregon** have been slower than the Bay Area to recover from the shambles of the last few years. A bigger rock landing in a smaller pond creates more waves. Nevertheless, the sun is starting to break through the clouds - however slowly - and we have a number of interesting litigation jobs available. [Contact this office to learn more.](#)

The Northeast

by [Carey Bertolet, Esq.](#)

New York continues to see a marked and conservative increase in hiring and in active lateral attorney openings in general. Although firms are now more invested in the lateral hiring process than they have been in recent memory, the standards and credentials used by firms remain high, even among mid-level firms in Manhattan. Some of our more urgent searches (in particular, searches where our various firms are keen to hire before year's end) are for mid-level associates, specifically from the classes 1998 and 1999.

Litigation positions are fairly abundant, both for general (usually commercial) positions and on occasion, for a more specialized search (such as patent litigation). Oftentimes, the general litigation positions may offer the opportunity for a lawyer to become more specialized, often because a partner or group of partners has a book of business within a certain specialty or because they have developed an expertise within a subsection of the litigation practice. Also, litigation opportunities exist in many different environments, whether it's a branch office of a West Coast firm or a small practice in a New York firm, up through and including the city's largest and most notable litigation groups.

Bankruptcy practices continue to staff with lateral attorneys-although large law firm experience, and large-scale Chapter 11 (both debtor and creditor) carry the day in terms of marketability. Our projection is that even in a recovering economy, there will be a few more large bankruptcy filings (along the manner of K-Mart, for example) that will keep New York's bankruptcy groups fairly busy and in need of talent for quite a few years.

Corporate positions are rebounding-although usually in niche corporate practices than the previously more common "corporate generalist" type positions. Because several firms re-oriented their transactional practice to take advantage of more alternative financing vehicles, securitization and other structured finance associates may find that they have their choice of several practices from which to choose.

Tax positions, and other related more specialized practices, such as ERISA, continue to exist, although they tend to occur in smaller numbers and are generally opened and closed more quickly than other opportunities. It is especially important for associates in these types of practices to carefully monitor the market to take advantage of every possible opportunity.

BCG has some interesting partnership opportunities, which include firms looking for partners to facilitate the growth of a young office, or to supplement an existing practice. For partners with a substantial book of

business, it is an excellent time to reexamine whether a current firm is meeting all of the clients needs, and whether there might be an opportunity for increasing compensation or business development success.

Among the types of jobs where attorneys recently working with BCG have found success recently are tax, structured finance, litigation, including securities litigation, health care, and investment management to name a few. This is evidence not only of the expansion of the market, but BCG's ability to target good opportunities regardless of practice area.

Boston is finally seeing more vibrant hiring times. Although Boston has lagged behind other similarly situated cities in terms of overall economic strength after cut backs and hiring freezes, many firms are reevaluating their needs and returning to a more positive hiring climate. Regardless of the economy, Boston's principal focus remains the same: Intellectual property and technology oriented practices will be the center of activity.

Philadelphia continues to be quite focused on recruiting litigation associates, and there are opportunities in various areas within litigation practices, including insurance, mass tort, and general commercial litigation. BCG's recent experience in Philadelphia has been extremely positive, with good candidates receiving multiple interview requests, as well as multiple offers. We are quite pleased with our increasingly solid relationships with Philadelphia's best and most exciting firms.

We are also seeing an increased need for qualified attorneys in **New Jersey**, particularly **Newark** and **Princeton**, as well as in **Hartford, Connecticut** and **Pittsburgh, Pennsylvania**. Although the salaries may not be as high, the quality of life trade-offs, in addition to cost of living issues, often make up for the compensation differentials.

In general, we believe that it is a critical time to pursue opportunities that match your background. Although the overall economic recovery may be slow, hiring in law firms has picked up quite noticeably, and firms are filling positions more quickly than they have done so in the recent past. Waiting to pursue opportunities may result in losing opportunities, given the new needs within law firms.

Washington DC Metro Region

The Washington DC region is finally turning the corner, with the **legal job market** improving over the previous year for the first time since the crash. Despite the region- low unemployment rates (particularly in Washington DC), the market for lawyers in law firms had remained dismal until recently. With the creation of a new federal agency, the Homeland Security Department, the recent electrical blackout in the East Coast, various bills going through Congress, and the unending debate and legislation related to healthcare issues, various factors are all playing their part in having a positive effect on the overall job market for the region. Although there was a delayed effect on the **legal market**, we believe the time has arrived to see some benefit from all of this activity.

Commercial litigators are highly in demand even though the firms do require a strong academic record and solid law firm experience. There are several firms looking to add insurance coverage litigators. IP litigators with electrical engineering background are still sought after. The fervor for bankruptcy lawyers has abated, but someone with solid credentials could still get a job relatively easily. But DC has the federal government, meaning that it is unique as compared to other regions and that the practice areas are much more diverse.

For example, we are seeing a definite upswing for healthcare and energy lawyers. There also is some interest for employee benefit lawyers. International trade lawyers with experience in representing foreign entities will find their services are, again, in demand.

Corporate and M&A associates will still find a challenging environment in this region. Although there is some

need for those with securities experience, the demand has slowed down. But 2004 is around the corner and now is the time to start to see what is out there so that when, and if, the market improves for corporate associates, one is prepared to move quickly.

Of course, partners with a significant book of business are always in demand. Partners with at least \$1,000,000 in portable business will find a firm of their choice. In fact, in some practice areas that are currently experiencing difficulty attracting work - such as corporate, M&A, capital markets, project finance, and telecommunications - the required book of business is quite modest. Since the trend in the law firm marketplace is consolidation, we would suggest that now is the right time for those partners inclined to move to do so.

In general, the region's legal market has considerably improved as the economy rebounded. Despite the fact that the region experienced a significantly below average overall unemployment rates, the legal market has started to pick up the tempo and all indications are that 2004 will be a significant improvement over 2003. Let's not forget that 2003 was a great improvement over 2002. So the trend is encouraging, and we hope to be able to help you join the "perfect" firm for you in the near future.

The Southeast

by Raffaele Murdocca, Esq.

Atlanta - From mid-sized to large law firms, BCG continues to have many **litigation associate positions**, particularly in the commercial and securities (on the defense side) litigation areas. If you are in the commercial litigation area and would like to specialize in securities, now is the time. Patent litigation continues to grow, and our clients particularly value attorneys with an electrical engineering background. We are also seeing a fair amount of opportunities in the labor and employment litigation practice area with everything from L&E boutiques to large AM LAW 100 firms. Although the need for bankruptcy associates has seen a moderate decline, we continue to see activity for Chapter 11 bankruptcy associates. Also, there is a flurry of commercial real estate purchasing, development and leasing throughout the region, so we continue to see a need for real estate associates who graduated in 1998-2001. On the partner front, many of our clients are looking in different practice areas for partners with portable business to add to their already healthy client base.

Charlotte - currently is seeing a lot of hiring activity. Law firms continue to look for bankruptcy/restructuring associates with both debtor and creditor experience. Because of the plethora of banking clients this city has to offer, there is always work for associates and partners in lending, banking and capital markets. Charlotte also has many commercial & employment litigation positions.

Raleigh - The hot bed of technology in the south, firms are always looking for outstanding Intellectual Property attorneys with all backgrounds. We are also starting to see an upswing in transactional work, both in corporate and tax.

Tennessee- We are seeing both litigation and transactional opportunities picking up in Nashville and Memphis.

Although limited, there are also available opportunities in **Charleston & Columbia, South Carolina** as well as **Birmingham, Alabama**.

Florida

by Evan Jowers, Esq.

Miami will always be the center of the BIGLAW activity in Florida. However, **West Palm Beach** and **Fort Lauderdale** are becoming bigger players in South Florida. **Tampa** and **Orlando** are growing economies as well and the legal community is becoming more sophisticated. **Jacksonville**, although considered a major city and has a fast-growing economy, does not have a BIGLAW type feel to its top firms.

The elite Florida based firms tend to concentrate their lateral efforts on very solid University of Florida Levin College of Law or University of Miami School of Law grads who have some experience at another large firm. The exception to this rule is that these firms will always be very interested in laterals coming from New York, especially those that have attended top 10 law schools. The elite New York, DC, and Chicago based firms satellite offices in Florida (mostly in Miami) tend to concentrate on the top 10 law schools nationally if there is experience at large firms, but also look at the top UF and UM grads.

Perhaps the strongest practice area in Florida is for real estate attorneys, especially those on the developer side (there is a tremendous amount of high rise luxury condo development in South Florida) who are mid levels or more senior.

The litigation market is average, meaning that there is movement and a lot of work here, in general, but the need is not too great. However, a top flight mid-level litigator is always very placeable in Florida.

The market for corporate associates is dead. Even when there is a need for a transactional associate, it is usually filled from within the firm as many corporate associates were switched to other groups in the last few years in order to avoid larger numbers of layoffs. The corporate tax market is extremely slow for laterals, as well, mainly due to its close ties with the corporate field.

The market for bankruptcy attorneys is starting to pick up and catch up with other markets in the US (where bankruptcy has been a very hot area for some time now.)

The Trust & Estates market is slow as well, which is a little surprising because of its importance in Florida. However, BIGLAW firms typically deal with only extremely wealthy individuals and this type of planning work has slowed recently. Also, because this work is very scholarly, many of these small groups take their time before making a hiring decision as they want to be confident of the person's ability and also that the candidate will interact well within the small group.

The IP market is a small one in Florida, but this could change in the future as the state is making big efforts and is becoming more successful in luring the tech and science related industry to Florida.

The Southwest

by Robert Kinney, Esq.

After a slow start to the year, the **Phoenix market** has shown some significant signs of improvement in the past months. Workflow has increased at the major firms in town and many of them have responded by increasing hiring in several sections, including both the litigation and transactional sections in several firms in town. Phoenix continues to be a popular market for candidates who come from elsewhere and have few roots in the area. As a newer city, Phoenix is a place where outsiders are welcomed and the law firms in Phoenix are opportunistic about hiring exceptional people regardless of where they may currently be

working. To a lesser extent, this is also true in **Tucson**; however, Tucson is a much smaller market in general and we typically see less hiring there.

Houston has been a vibrant market for the hiring of litigation associate candidates throughout this year. The volume of work that has been generated by the Enron disaster and other, similar meltdowns over the past few years has served to keep many attorneys employed. By contrast, the corporate legal market in Houston continues to be suffering. Layoffs have continued at some notable firms in town and we have even seen some significant partner departures from several firms. Good candidates who have strong academic backgrounds, experience in litigation, labor and employment work, securities work, or appellate practice, and family or other connections to Houston to help explain an interest in living in a place that a little over 100 years ago was essentially uninhabitable, have had little trouble.

We've seen significant interest over the past several months in **Dallas** by candidates who are attempting to return home or return to live near their families after a period elsewhere. Dallas has been a strong market for hiring of litigation associates, and we've also seen exceptional corporate and banking candidates get hired by strong firms in Dallas. To some extent more than in other markets [we cover from the Texas office](#), we have discovered that Dallas offices tend to prefer local candidates. That said, we've made a number of placements in Dallas of candidates from outstanding firms on the east and west coasts, so it is difficult to state as a rule that out of town candidates are at a disadvantage in Dallas.

On a "per available job" basis, **Austin** still may be the most difficult market in the United States to find a legal job. If you want a job there at a good firm, you need to be a partner with a large book of business, you need to already work here and you need to be ready to go to another firm at a moment's notice when a need arises. You also need to be a superstar candidate with substantial patience or to know someone who owns a law firm.

The Midwest

by Vanessa Alvarez, Esq.

Chicago continues to remain conservative on the hiring front, although there is a definite hiring trend in intellectual property. Despite the overall slowdown, we are provided with new opportunities on a daily basis, and we expect further activity in this market through the end of the calendar year for highly qualified attorneys.

On the corporate front, the aftermath of the dissolution of the transaction-based firms of Altheimer & Gray and Peterson & Ross has contributed to the flooding of highly qualified corporate and transactional associates and partners in a market still in the midst of a sustained slowdown in the corporate sector. Also, as some experts predicted, the trend both nationally and internationally towards law firm mergers, acquisitions, and consolidations has continued, most notably with the recent merger of Chicago firms Seyfarth Shaw and D'Ancona & Pflaum. Of note, there has been some expansion by firms into the Chicago market, most notably with the opening of Morgan Lewis & Brockius' new offices in Chicago with the addition of 27 lawyers from Zevnik Horton LLP, which expanded the firm's insurance recovery practice.

Although a transition into the corporate transaction area still remains very difficult, we remain optimistic as we continue to see a strong need in specialized transactional service areas, most notably for attorneys with 2-5 years of experience in the areas of secured lending, corporate finance, and banking. As stated in our last

report, we continue to hope for an upward turn in the need for attorneys with M&A, venture capital, and securities backgrounds. However, although we are contacted by many highly qualified attorneys on a daily basis with this experience; current market conditions have continued to dictate the lack of need in these areas.

We have seen a decline in **litigation opportunities in Chicago**. Although we receive requests by national, mid-size and boutique firms for highly qualified litigators, particularly in the insurance fields, these positions at the 2-4 year level are highly competitive and require excellent academic credentials, as well as practical skills including deposition and first or second-chair trial experience.

Our requests for **bankruptcy attorneys**, although having declined in recent months, remain steady for highly qualified bankruptcy attorneys with 1-6 years of experience. Bankruptcy clerkships and litigation experience are helpful.

The need for **intellectual property attorneys** remains particularly strong in Chicago. In the area of IP litigation, firms are seeking talented litigators with technical backgrounds in electrical engineering, biology, and chemistry with a minimum of 3 years of experience. In the area of patent prosecution, firms have a strong need for prosecutors at the 2-5 year level with a technical degree, particularly in electrical engineering, but also in computer science, chemical, and mechanical engineering.

As of our last report, we have not seen any notable changes in the labor and employment area. We have requests, although limited, for highly qualified associates at the 2-4 year level with litigation and counseling experience.

We have seen a slight change in requests for talented real estate attorneys from large firms in Chicago; in particular those with 2-5 years of traditional real estate experience as well as lending work. If you are an attorney with a minimum of 2 years of experience practicing at a large law firm with extensive real estate experience and excellent academics, you should not hesitate to apply.

There continues to be a declining need for **tax attorneys**. However, there are some requests for talented senior associates and partners in the trusts and estate practices practicing at a large law firm with extensive trusts and estates exposure and excellent academics.

We are working with a number of firms seeking partners with business in a wide range of practice areas, including bankruptcy, corporate, labor & employment, real estate, health care, intellectual property, litigation, and land & resources. Although the large national and international firms generally will not consider a book of less than \$1 million, mid-size to smaller firms will often hire partners with less substantial books. If you are a partner with a book of business seeking to make a transition, **please contact our Chicago office**. We would be happy to familiarize you with our approach to the partner search process and discuss opportunities with you.

Denver has experienced a marked slowdown in almost every practice areas, including corporate and litigation. This quarter has also marked the closing of LeBoeuf Lamb Green & MacRae's Denver office. However, there has been a recent explosion in the real estate practice area. If you are a talented real estate attorneys with 2 to 5 years of real estate experience, or a senior associate with portable business, please contact us.

Colorado firms are consistently seeking out partners with business in such areas as real estate, corporate, employee benefits, labor & employment, environmental, health care, intellectual property, litigation, and tax. If you are a partner with an established book of business interested in relocating to Colorado, you should **definitely contact us regarding opportunities**.

Minneapolis is most focused on intellectual property, primarily in the area of patent prosecution. Firms have a strong need for prosecutors with a minimum of 4 years of patent prosecution and technical degrees in electrical engineering, mechanical engineering, and organic chemistry. There is a rising demand for attorneys with advanced technical degrees, most often with PhD's. Litigation, on the other hand, has experienced a decline, but we anticipate further activity in this area by the end of the calendar year for highly qualified litigation attorneys at the 2-4 year level. We are currently pursuing intellectual property partners with business. **Please contact our Chicago office** if you are interested in pursuing opportunities in Minneapolis or St. Paul.

Detroit and **Grand Rapids** continues to see an increased need for highly qualified litigators at the 2-5 year level, as well as partners with business at or above \$250,000.

Cleveland and **Cincinnati** are experiencing needs for associates at the 3-5 year level in corporate finance, bankruptcy, real estate, and litigation, including products liability, labor & **employment**, and general commercial litigation. However, the overall hiring trend remains conservative, particularly in the aftermath of Arter & Hadden's recent dissolution, one of Cleveland's largest law firms.

We are currently pursuing partners with business for opportunities in both Cleveland and Cincinnati. If you are a partner with business and are interested in pursuing opportunities in either Cleveland or Cincinnati, please contact our Chicago office.