

# State of the Market - 2009 Fall

Southern California (Orange County, San Diego and Los Angeles)

The Northeast (New York, Washington, DC, New Jersey and Pennsylvania)

The Southwest (Texas)

The Midwest (Chicago, Wisconsin, Michigan, Colorado, Minnesota, Indiana, Ohio, and Utah)

International (Europe and Asia)

## SOUTHERN CALIFORNIA (ORANGE COUNTY, SAN DIEGO AND LOS ANGELES)

### State of the Market: Orange County and San Diego

*By Caroline Lee, Esq., Recruiter, BCG Attorney Search*

In the past few months, the Southern California market seems to have improved in regards to attorney recruiting at law firms. Many firms have stabilized more and we are now seeing more movement in associate hiring. Most firms are seeking mid-level to senior-level associates at this time. Furthermore, the search for partners with portable business remains the main focus of most firms in Orange County and San Diego. Senior associates with a portable book of at least \$250,000, will also be attractive to many firm clients in these two growing markets.

In order to identify some of the hiring trends in Orange County and San Diego, I will be discussing 1) "healthy" practice areas, 2) steady practice areas, and 3) slow practice areas in this State of the Market report.

### Orange County Market

#### Healthy Practice Areas:

##### Patent Prosecution

The need for well-qualified patent prosecutors has remained pretty steady during this turbulent time in the market. Presently, our firm clients are seeking patent attorneys at all levels, although most seek an attorney with at least two years of prior firm experience. In Orange County, the "hot" scientific backgrounds remain electrical engineering, computer science, and physics. Those with mechanical engineering or chemistry backgrounds should also be able to get the attention of various Orange County firms.

Firm employers are generally seeking California bar membership, along with USPTO membership. Abundant prosecution experience will be very marketable, along with prior engineering experience.

#### Labor & Employment

Strong employment law candidates will do well in the current [Orange County market](#). Most firms are seeking candidates who are licensed in California, and retain both litigation and counseling experience. Senior associates and mid-level candidates will garner the most interviews in this area of law right now. In regards to junior-level candidates, there have been a few postings for staff attorneys, at some of the larger firms in this geographic area.

Employment law candidates should have focused labor and employment experience at either a large firm or a reputable employment law firm. It is likely that this practice area is one of the facets of law that will continue to grow during this difficult economic time.

#### Steady Practice Areas:

## Litigation

Litigation remains a steady practice area in Orange County. A lot of our firm clients are seeking attorneys with specialty litigation backgrounds, such as securities litigation experience. Most of the associate interviewing seems to be centered on senior and mid-level attorney candidates. Trial and deposition experience are valued, as firms want to hire self-sufficient candidates that can handle cases on their own. Senior associates who do not have a portable book will need to market themselves as attorneys that can do partner-level work, but who are amenable to associate-level compensation.

Since there are a lot of impressive litigation attorneys on the market right now, candidates should have impeccable credentials (e.g. large firm experience, minimal job movement, top law school graduate).

## Bankruptcy

Bankruptcy is also a growing practice area in Orange County. Firms are generally seeking those candidates with solid litigation experience, who are also licensed in California. Again, the main focus has been on mid-level and senior-level attorney candidates. At the senior associate level, many firms expect candidates to have at least \$250,000 in portable business.

### Slow Practice Areas:

There are a number of practice areas that remain very slow or virtually "dead" in this tight market. For example, intellectual property litigation has been very slow in this past period. Transactional areas of law like corporate and real estate have very few, if any, associate openings available. In addition, we have seen virtually no activity in practice areas like trusts and estates law and environmental law.

Many firms continue to seek partner-level candidates in most practice areas, with a general requirement of \$1 million in portable business. Some firms will consider strong partner candidates with a smaller book (e.g. \$500,000), if the business plans of those candidates are ambitious and realistic.

### San Diego Market

### Healthy Practice Areas:

#### Patent Prosecution

Patent prosecutors are still a hot commodity in San Diego. Most firms are seeking at least two years of solid firm experience from their candidates. Candidates with only one year of experience may also be granted interviews (if they retain an exceptional background).

Unlike a few years ago, most firms are now requiring candidates to have current membership with both the California Bar and the USPTO. The most desired scientific backgrounds continue to be electrical engineering, computer science, and physics. Biotech candidates with portable business may also have success in getting interviews in this market.

#### Intellectual Property Litigation

In San Diego, we continue to see hiring activity in the area of intellectual property litigation. As in most practice areas, the firms are seeking associates at the more senior levels. Senior associates and partner-level attorneys will likely receive the most interview requests, in this market. Candidates must retain solid firm credentials and membership with the California Bar, in order to be competitive. Scientific backgrounds are

not usually a mandatory requirement in this field of law, but having one will definitely increase a candidate's marketability in this challenging legal market.

## Steady Practice Areas:

### Litigation

Litigation remains a steady practice area in San Diego. Firms are generally seeking mid-level and senior-level attorneys who can handle their own cases, and have ample deposition and trial experience. At this time, various firms are seeking attorneys who have backgrounds in different sub-specialties like securities litigation and civil litigation defense.

Partner-level candidates need to have very large portable books (e.g. \$1.5 million and up), to be competitive within litigation. Top-notch credentials regarding professional experience and academic background are a must. Furthermore, general litigation candidates without the California Bar should really wait until they are licensed in the state, to successfully apply for these types of openings in San Diego.

### Tax

In addition to litigation, we have also noticed some firms seeking attorneys with tax expertise. Senior-level attorneys are the most highly recruited at this time within tax law. Candidates that have experience in areas like employee benefits or charitable organizations- will be considered versatile and attractive to potential employers. In order to be competitive in San Diego, attorneys should be licensed in California and they should also retain both state and federal tax law experience.

## Slow Practice Areas:

The San Diego market has a good number of "slow" practice areas, where we are not currently seeing a lot of hiring activity. Some of these areas of law include real estate, corporate, trusts and estates, and white collar crime. In addition, trademark and copyright law is also extremely slow in San Diego. While the search for patent prosecutors is still pretty active among many San Diego firms, we have seen virtually no job postings for those attorneys with a trademark and copyright background.

Corporate law also remains very slow on the associate-level. At the partner-level, firms are seeking corporate partners with \$1 million and up in business, as a minimum. Bankruptcy partners with portable business may also find success in this market. Associates with a bankruptcy background, however, will have better luck searching in neighboring markets like Orange County or Los Angeles.

### State of the Market: Los Angeles

*By Veronica Pawlowski, Esq. Recruiter, BCG Attorney Search*

## Associates:

I know it is not going to come as a shock to hear us report that the [associate market in Los Angeles](#) is exceptionally tight. These days, the advice to most associates is that if you can stay at your firm for any appreciable amount of time, don't move! This is most certainly not a market for casual lookers or associates who simply feel the "itch" to make a move.

Having said this, there are factors leaving some associates with no choice at all but to make a move. In the last several months, we have continued to see a lot of movement at the partner level. Such moves are leaving some associates with little to no work. In fact, there are quite a few associates out there whose practice groups are being wiped out by the loss of a partner and/or firm clients. For such individuals, it is

imperative that you undertake a search for a new position, if at all possible, before you find yourself unemployed.

Here is the good news: recent weeks have shown a slight uptake in the number of job openings. This is particularly true in practice areas such as litigation and patent prosecution. A few tips for the hunt:

*Be flexible in all respects.* This includes being flexible with respect to entry level, geography, and in just about any other way that flexibility is requested. Make no mistake-the market is currently dominated by the law firms' needs. Be ready to show that you understand this fact and are willing to adjust accordingly.

*Exercise scrutiny if working with a recruiter.* It is always important to pick carefully when choosing to work with a recruiter. But in the current market, this is absolutely crucial. You need to make sure you are working with an ethical recruiter who will be honest about the openings s/he can offer and who will also tell you if you are better off submitting to a particular firm on your own. Your recruiter should be a resource that is helping you whether this storm-not someone who is making a difficult search impossible.

*Work all angles.* Do not underestimate the importance of marketing yourself. Reach out to colleagues and other professional contacts. As long as you are confident that the person to whom you are reaching out will protect the confidentiality of your search, there isn't anyone who is off limits. Contact your law school's career services office and spend some time combing through legal periodicals yourself. In this market, you must be extremely proactive (without becoming a stalker).

*Don't give up.* Most attorneys are individuals who have been extremely successful their entire lives. It is sometimes shocking that all of sudden, finding a new job is not only difficult but also a bit frustrating. Do not give up. There are already signs that the market will turn around. And, for those who achieve the right balance between persistence and patience, it will work out in the end.

#### **Partners:**

Almost every law firm out there is looking to boost its partner ranks...with the right fit. While this is a solid market for partner-level candidates, the scrutiny and second-guessing are at an all time high. Almost all practice areas are in demand but, so are solid and growing books of business. Specifically, mid-size firms are looking for books of business in the range of \$750,000+ and, for larger firms, the low end of the range seems to be \$1.5 million. Furthermore, firms are looking for the valuation of a partner's book of business to be solid and, they will want to know how the partner-candidate arrived at his/her number. There are some great tools available that a partner can use in such evaluations so it goes without saying that due diligence on this topic is the first step in the process.

One last word on the state of the market for partners: protect your confidentiality! One surprising trend this year has been that not even partners are safe from the turmoil. If the fact that you are investigating a possible move falls into the wrong hands, the results could be extremely damaging. If you do choose to work with a legal recruiter, it makes sense to begin by interviewing a handful of individuals. Insist on a face-to-face meeting in which you have the opportunity to assess the person's experience, character, and professionalism. If you do not work with a legal recruiter and decide to make contact with potential firms on your end, make sure you are reaching out to trustworthy individuals who will protect the confidentiality of your search.

## **THE NORTHWEST (NEW YORK, WASHINGTON, DC, NEW JERSEY AND PENNSYLVANIA)**

### **State of the Market: New York**

*By Carey Bertolet, Founding Managing Director, BCG Attorney Search*

As we enter the Fall, we are seeing incremental change in the associate legal hiring environment. Incremental is the perfect word to describe the state of the market, as there have been glimmers of associate hiring, but nothing more profound. When will the market really change? For that, I defer to the words of Associate Justice Potter Stewart, whose tenure on the United States Supreme Court spanned the 1960's and 1970's. "I know it when I see it."

Justice Stewart was trying to describe a legal standard for when material is obscene. I think his words are strangely fitting here. The hiring market will bounce back, but the improvements may be so incremental that it will be hard to notice. We aren't there yet, but we'll know it when we see it.

While the bankruptcy market on both the partner and associate side has been relatively robust (for obvious reasons), we haven't seen the vigor in the litigation market that down-cycles usually have. We've had some corporate practices telling us they are gearing up to hire in the transactional area, which is interesting news. We've talked to several associates at a precious few firms that have stayed quite busy, and they anticipate that their firms will start actively recruiting in the next several months.

Although the lack of litigation activity is surprising, it isn't all bad, either. We've recently been asked to work on several interesting litigation searches, ranging from complex coverage work to more general commercial litigation. We anticipate an acute need in the coming months for antitrust, securities, and white collar litigation. Our law firm clients have been telling us that they are quite busy in those areas-the only reason they haven't been more actively hiring is because of firm-wide pressure to hold off on hiring, not necessarily because of a lack of work in those particular practice areas. Employment litigators are quite busy as well, and should benefit a good deal when the economy loosens up.

The tax field remains fairly quiet, along with cousins ERISA and estates law. Of the three, we've seen the most activity percolating in trusts and estates, though all three will flourish in New York once the corporate market fully rebounds.

Patent prosecution and litigation have been oddly quiet areas recently, so it will be interesting to see where the next several months leads these practice areas. With some consolidation of the bigger clients in these industries, the intellectual property world is taking a 'wait and see' attitude about the need for legal work over time.

On the partner side, we are most often being asked to help firms reinforce their ranks in the intellectual property, corporate, and energy fields. These are identified growth areas, though much of the activity we've had in partner placement has had more to do with culture and long-term fit than practice area. As many firms refine or completely overhaul the requirements of equity partners, many more lawyers are evaluating where they need to be to continue to develop and service their clients and maximize their own profitability. We are seeing more scrutiny from both sides in partner placement, and a greater emphasis on diversified client base.

For more specific queries about a particular practice area, contact Carey Bertolet or Danice Kowalczyk at (212) 232-0400.

### State of the Market: Washington, DC

*By Dan Binstock, Managing Director, BCG Attorney Search*

### Partner Market:

Our partner practice continues to have the highest level of demand. In fact, the demand for lateral partners seems to be inversely proportional to the demand for associates.

For example, within just the past month or so, we have met with numerous firms seeking to recruit partners in a range of practice areas. Here is a sampling of the most recent partner-level searches we have received:  
A national firm seeks an **information/data privacy** partner for its DC office.  
A West Coast-based firm with a growing DC office is looking to add a **public securities** partner with deal experience.



An East Coast-based firm is looking to enhance its health care presence in DC by adding health care partners with experience in either (1) **health care transactions**; (2) **health care enforcement and fraud and abuse compliance**; (3) **Stark and Anti-kickback**; (4) **FDA**; or (5) **health care policy**.

An international firm is looking to recruit an international arbitration practice (with a focus on ICSID/Investor-State Arbitrations) for its DC office.

A West Coast-based firm with a growing DC office is looking to enhance its **corporate (M&A and financial transactions)** practice in DC.

An East Coast-based firm with a growing DC office is seeking to enhance its New England-based **energy** practice with a DC-based energy practice.

An East Coast-based firm is seeking a **health care** partner with a **hospital-oriented practice**.

A Northeast-based with a very collegial DC office is seeking to add either a **trademark** practice or a **patent (life sciences/bio)** practice in DC.

A Southeast-based firm is seeking to add an **environmental** group (non-litigation) in DC.

A West Coast-based firm is seeking to enhance a number of practice areas in DC, including **FDA**, **trademark**, **patent (bio or pharma or medical device)**, **telecom**, and **corporate** transactions (with a focus on technology based companies).

A boutique in DC is seeking to add **real estate/affordable housing** attorneys.

These searches are just a small fraction of the many partner searches in the entire DC market right now. This above list is akin to a fly on an elephant.

So the question for our law firm clients is this: What are you doing to stand out from your competitors-with similar reputations to your firm-who are targeting the same candidates? Is your recruiting message merely a thin "We are looking for partners in X practice area with Y in portable business... and we are very collegial"? If so, here's a warning: You are not maximizing your chances at attracting lateral partners because your recruiting message will sound very similar to that of your competitors. (See the following Legal Times article entitled "Everybody Loves Rainmakers": <https://www.bcgsearch.com/pdf/everybody-loves-rainmakers.pdf>.)

Over the past year, we have been spending a lot of time helping our law firm clients craft and develop cutting-edge lateral partner recruiting strategies that enable them to stand out from the clutter of other firms. In this market, law firms must think outside the box when it comes to lateral partner recruiting and not just continue to do things the way they have always been done. Those firms who are creative and bold in their approach to lateral partner recruiting will have a distinct advantage.

If you are interested in learning how we help our law firm clients dramatically improve their chances of securing meetings with lateral partner candidates, please contact us and we will be happy to share some of these cutting-edge strategies.

If you are a partner-level candidate interested in learning about other firms, how to best market yourself, or have other questions about the DC market, please contact us for a confidential "market and marketability" analysis.

## Associate Market:

The associate market continues to remain very tight, but we have seen a distinct improvement during the summer. We have made more associate placements during the summer than we made during the first half of the year and we are receiving new openings on a much more frequent and consistent basis.

During the first half of the year, firms that had enough work in certain practice areas to justify a lateral hire still held off on hiring because they were just too frightened. It was akin to a tornado hitting a large city where everybody was battering down the hatches, even if their home was not in immediate danger. Most firms were in a survival and contraction mindset and the thought of hiring lateral associates-when many were

underutilized and struggling to make hours-was almost laughable.

Now, like most things in life, the passing of time breeds a certain level of "business homeostasis." As we have grown more used to this economic thunderstorm, firms are peeking out of their windows, realizing that the sun still rises, and there is work that needs to be done by associates with the right experience. The immediate panic from a number of firms has receded and some of these firms have decided to hire laterally because the demand for capable associates in certain practice areas has been ongoing and does not seem to be relenting. For example, government contracts is a practice area that is particularly busy right now in DC.

Firms who have tried to avoid hiring laterally by retraining underutilized associates from other practices within the firm are having mixed results. If the associates are junior and have a good-faith interest in the new practice area, they are more malleable and the transition is easier. If the associates are more senior, this can be tougher for a number of reasons.

Some firms are also taking advantage of this slowdown to "cherry pick" superstar associates from firms that are less stable. However, we have noticed that some firms have a slightly unrealistic and over-inflated sense of their own market value and believe they can easily recruit non-laid-off superstars regardless of how appealing their own opportunity is. There is a sense of "We know the market is flooded with candidates so we can get whoever we want." Sometimes this is true, but sometimes it is not. We are also noticing some firms experiencing a rude awakening when they take too much time to search for the "perfect" candidate and the one candidate they were seriously considering-who would have been a good fit-ends up accepting another position or loses interest and decides not to make a move. It is obviously important for firms to take their time to find the right person, but we have seen this backfire for some firms who held out for too long because they had a fear that they were somehow missing out on that elusive perfect candidate (that may or may not have existed).

In closing, we are cautiously optimistic that the lateral associate market will very slowly but steadily continue to regain traction in Washington, DC.

### **State of the Market: New Jersey and Pennsylvania**

*By Carey Bertolet, Founding Managing Director, BCG Attorney Search*

New Jersey firms have been less acutely affected by the recession than their New York counterparts, so it has not been surprising to see our associate and partner work in the state pick up first. In the partner realm, New Jersey firms are targeting generalist corporate practitioners, employment lawyers, and bankruptcy partners in particular. We've had several firms want to focus on real estate lawyers with a substantial client following, but we're not sure that any real estate lawyers have thriving client bases at the moment. As with most firms, New Jersey firms are closely analyzing how to best position themselves for the future, and the partners at these firms are doing the same-sometimes seeking out new platforms.

On the associate side, we've seen needs for associates at the more junior levels and intellectual property lawyers. New Jersey firms feel that with all of the lay-offs in New York, they should be able to get the cream of the crop in terms of candidates-and they are probably correct. For those New York lawyers with the prescience to sit for both New York and New Jersey bars, that New Jersey license may come in particularly handy right now as New Jersey firms show more willingness to hire.

Moving down the Northeast corridor, we are seeing less activity in Pittsburgh and Philadelphia. Indeed, both of these markets seemed to slow fairly early on, and the bigger players in these markets are still keeping hiring on ice at the moment. Is it possible that the salaries in these areas were simply too high for the marketplace, further chilling lateral hiring? There may not be an answer to that question, but it appears that these markets may be slower to rebound than others.

Delaware remains the exception, with vibrant business (tied to the strong local bankruptcy bar) and needs for associates with this experience.

For more specific queries about a particular practice area on the East Coast, contact Carey Bertolet or Danice Kowalczyk at (212) 232-0400.

## **THE SOUTHWEST (TEXAS)**

### **State of the Market: Texas**

*By Suzanne Dupree Howe, Esq., Managing Director, BCG Attorney Search*

Our Texas markets are noticeably feeling the recession and the subsequent contraction of hiring needs at law firms. We have seen consistent lay-offs at large firms and small, but it is beginning to feel like the worst is over as lay-off reports are beginning to diminish. Texas is poised to be one of the first major legal markets to exit recession conditions and begin new hiring.

Statistically, per the most recent unemployment reports from June, Texas is ranked 17th nationwide for lowest unemployment. But of the major legal markets, Texas is actually ranked number one, with New York at twenty-eight, Georgia at thirty-six, Illinois at thirty-eight, Florida at thirty-nine, District of Columbia at forty-two, and California at forty-six.

When will we see a significant turn-around? It is anyone's guess at this point, but luckily our market has had consistent associate needs, especially in dispute-oriented practice areas like litigation and bankruptcy. Partner movement is quite strong as many partners seek a consistently profitable and stable venue for their client base.

On a continuum, Texas has been impacted much less than other legal markets. Unemployment overall in Texas is much better than in other parts of the country. And the highly diverse corporate base in Texas provides greater insulation from massive economic swings. Furthermore, Texas has not suffered as much from the housing market as many other states. With its low cost of living yet comparable firm salary structure, Texas remains a great option for partners and associates.

Below is a breakdown of various practices areas as they relate to firms' needs in Texas.

### **Partners**

Partner movement right now is at an all-time high across the nation, and the same is true in Texas. Many firms have expressed their desire to review partner candidates with at least 500k in portable business. BCG is a leader in partner placements nationwide, and we can use our contacts to make that transition very smooth for you. If you are interested in confidentially discussing in any of these opportunities, please contact me at 713-270-1199.

### **Bankruptcy**

As predicted, we are getting increased requests for bankruptcy candidates. Mid-level and senior level associate candidates are in the most demand. We expect the demand for this practice area to dramatically increase throughout 2009 and into 2010.

### **Litigation**

Litigation candidates are actively being sought in Houston and Dallas right now. While we haven't seen the marked increase in litigation needs that we were expecting for 2009, we have consistent opportunities at the



mid and senior associate levels. Candidates with judicial clerkships and solid writing skills have a definite competitive edge.

## Labor and Employment

Our law firm clients tell us that Labor & Employment is one of their busier practice areas, consistent with what we would expect from a recession. We have had regular needs for Labor and Employment candidates in Houston and Dallas.

## Corporate

Last Spring, I was able to report that Texas still had a smattering of corporate positions still available. Texas was one of the last areas of the country to have consistent needs in the area, but unfortunately, this has completely ground to a halt. We have not had a request to see corporate associate candidates in several months.

## Tax

Tax needs have slowed dramatically with the drop in the transactional markets, although since this is a niche practice, we still have a need here and there. Candidates with an LL.M from top programs such as NYU, Florida, and Georgetown are most valuable to the firms.

## Intellectual Property

In the last few years, many plaintiffs chose to file their IP cases in the Eastern District of Texas, but the docket, while still appealing, has slowed. IP litigation associates are not as in demand as they once were in Texas, and the flood of laid-off candidates trying to relocate from California and the East Coast has affected the market dramatically.

Patent prosecution needs have increased somewhat at firms in Texas, especially at mid-sized and smaller firms. While the firms still are actively seeking strong candidates with technical backgrounds, the needs are not as strong as they once were. Many firms are indicating to us that new higher billing rates are changing the landscape of firms doing prosecution practice, because technology clients are usually unwilling to pay the higher rates for their prosecution work. Particularly attractive to firms are those attorneys with a background in Electrical Engineering, Chemical Engineering, Physics or Computer Science.

## Energy and Project Finance

What comes up must also go down. Transactional Energy associates are much less in demand than they have been in recent years. However, candidates with remarkable experience and strong academics are still being considered. With the new administration in place, we do expect a rise in energy litigation needs across the state.

## Employee Benefits/ERISA

Candidates with heavy tax-based Employee Benefits and ERISA experience are finding it harder to secure a position.

## Real Estate

This practice area tapered off a great deal in the latter half of 2008 as financing has become less and less

available. We have seen very few positions in this practice area in recent months.

## **THE MIDWEST (CHICAGO, WISCONSIN, MICHIGAN, COLORADO, MINNESOTA, INDIANA, OHIO, AND UTAH)**

### **State of the Market: Chicago**

*By Jamie Bailey, Managing Director, BCG Attorney Search*

#### **Partners with Portable Business**

We are continuing to focus our attention on partner level searches for firms that are seeking assistance in hiring partners with portable clients. We would be interested in speaking with partners who have significant portable business in any of the following areas: healthcare (particularly partners with experience in representing pharmaceuticals, hospitals or healthcare providers), corporate transactions, bankruptcy, employee benefits and executive compensation, real estate finance, litigation, private equity, labor and employment, immigration, patent prosecution, intellectual property litigation, trademark litigation, and tax. Firms are generally looking for a minimum of \$1-2 million in portable business, but some smaller and mid-sized firms will consider books starting at \$500,000.

#### **Bankruptcy**

Bankruptcy is an area in which we have seen requests for associates with anywhere from 1-6 years of experience in corporate restructuring and Chapter 11. Firms are also being receptive to mid to senior level associates with top firm experience. As stated in our last report, busy bankruptcy practices have in many cases retooled associates internally to handle their work and we have not yet seen a dramatic increase in demand in this area. However, firms have been very receptive to candidates with outstanding credentials and experience.

#### **Intellectual Property - Patent Prosecution; Litigation**

IP is an area in which demand has been consistent, despite the current market conditions. We would be interested in speaking with associates with anywhere from 1-4 years of experience in patent prosecution and a background in electrical engineering, mechanical engineering, computer science, chemical engineering or chemistry. USPTO admission is definitely preferred and in many cases required.

General practice firms and IP boutiques are also seeking mid to senior level patent litigation associates with mechanical, electrical or other hard science degrees and anywhere from 2-5+ years of experience.

### **State of the Market: Wisconsin**

*By Jamie Bailey, Managing Director, BCG Attorney Search*  
**Milwaukee and Madison**

#### **Partners with Portable Business**

We would be interested in speaking with partners who have portable business, particularly in transactional areas, including general corporate, securities, tax and/or executive compensation.

#### **Intellectual Property - Patent Prosecution and Litigation**

Most of the lateral activity we have seen in Wisconsin over the past quarter has been in the areas of patent prosecution and patent litigation. We are interested in speaking with patent prosecution associates with 2-5

years of experience and backgrounds in electrical engineering or mechanical engineering and associates with 2-4 years of experience in patent and trademark litigation and technical backgrounds in electrical or mechanical engineering.

## Litigation

We have a few openings at smaller firms for associates with 4-5 years of experience in general commercial, white collar or labor and employment litigation. Excellent academics and large law firm experience are required.

### State of the Market: Michigan

*By Jamie Bailey, Managing Director, BCG Attorney Search*

## Partners with Business

We are interested in speaking with partners practicing in Michigan who are seeking opportunities in Detroit or the surrounding legal markets, including Lansing, Ann Arbor, and Grand Rapids. In particular, we would like to speak with partners with a minimum of \$300,000 in portable business.

### Detroit, Birmingham and Bloomfield Hills

The Detroit market continues to be hard hit by the economic downturn, but we are seeing opportunities for more senior level attorneys in this market. In particular, we would be interested in speaking with attorneys with 7-12 years of experience in construction litigation, information technology, educational/municipal, or bankruptcy.

### State of the Market: Colorado

*By Jamie Bailey, Managing Director, BCG Attorney Search*

### Denver

## Partners with Portable Business

Denver firms are actively seeking partners with portable business in a variety of areas, including real estate (acquisitions, dispositions, land entitlement, leasing and finance), environmental, tax (transactional - M&A, corporate finance, executive compensation, ERISA and wealth transfer experience), oil and gas, mining, intellectual property and labor and employment.

## Litigation

We have a few [litigation openings in Denver](#) at smaller firms. These firms would like to see experience in one or more of the following areas: general commercial, environmental (scientific or technical background preferred), products liability, white collar, government contracts or construction litigation. Strong skills, including court room and deposition experience and extensive motion practice and discovery skills are preferred. The Colorado Bar is also preferred and in some cases may be required.

### State of the Market: Minnesota

*By Laura Rusche, Legal Recruiter, BCG Attorney Search*

## Partners with Portable Business

In tough economic times, firms traditionally focus their recruiting efforts on partners with portable business. The Minnesota market is no different, and small, medium and large law firms are seeking attorneys with

significant business. The amount of business required varies from firm to firm, but the largest and most prestigious firms seek a minimum of \$1 million. However, the smaller and mid-sized firms will consider less if the practice area and attorney are a good fit for the firm. At the present time, the firms in Minnesota are particularly interested in partners with portable business in the area of labor and employment, litigation, tax, intellectual property, corporate/transactional, employee benefits, immigration and healthcare. Ideally, candidates would have in excess of a \$1 million in portables, but many firms will consider smaller books.

## Intellectual Property - Patent Prosecution and Litigation and Trademark

While Minneapolis is usually a hot bed for intellectual property attorneys, the associate market continues to struggle. Even so, a few opportunities exist for both transactional and litigation associates with technical backgrounds in electrical or mechanical engineering and biotech. Most positions seek candidates in the 2 to 6 year range.

## Bankruptcy

As we expect in these tough time, bankruptcy remains steady, and we are hopeful that the demand for such attorneys will increase in the short term. Top quality candidates from Minnesota or with significant connections to the state are encouraged to contact our Chicago office for details about these opportunities.

## Corporate - Mergers and Acquisitions; Securities; Finance; Others

In our last state of the market report, we noted that there had been a decrease in demand for corporate transactional associates in Minnesota. Unfortunately, this has not changed significantly, but we are optimistic that this demand is going to increase in the next handful of months. In the meantime, we periodically receive corporate/M&A positions for top quality candidates, so please contact our Chicago office if interested in hearing more about these opportunities.

## Litigation-General, Energy Litigation and IP Litigation

While we have not seen a huge increase in demand for litigators (which we generally see in a recession) we continue to have see [litigation positions](#) pop up in Minnesota, especially with the small to medium-sized firms. These firms generally look for candidates with very strong academics and 2 to 6 years of sophisticated experience.

## Tax, Trusts & Estates

While certainly not in high demand, we are seeing some firms looking for trusts and estates associates. These firms tend to seek candidates with 4 or more years of estate planning and tax experience. Portable business is often required. Candidates with solid academic backgrounds and the requisite experience should contact our Chicago office about these opportunities.

### State of the Market: Indiana

*By Laura Rusche, Legal Recruiter, BCG Attorney Search*

Like our other markets, there is an increased interest among Indiana firms for partners with solid books of portable business. The amount of business required varies from firm to firm, but in general, firms will take an interest in partners with \$500,000 or more in business. Partners with a portable book of business who are currently practicing in Indiana or interested in moving their practice there should contact our Chicago office.

Despite the recession, Indianapolis continues to offer positions for strong associates in the areas of litigation,

family law, labor and employment, healthcare, employee benefits and intellectual property (especially in the area of biotech). In fact, we have a few positions for senior level labor and employment and employee benefits associates that do not require portable business. Candidates with top credentials should contact our Chicago office for assistance in applying to these positions.

### **State of the Market: Ohio**

*By Laura Rusche, Legal Recruiter, BCG Attorney Search  
Cleveland and Cincinnati*

#### **Partners with Portable Business**

In both Cleveland and Cincinnati, demand continues for highly-qualified partners with portable business. Areas in which these firms are looking to grow include corporate, real estate, labor and employment, intellectual property, trusts and estates, tax, ERISA/employee benefits, litigation and health care. Interested partners with portable business should contact BCG Attorney Search's Chicago office for more information on these opportunities.

#### **Labor & Employment; Litigation**

A few opportunities for mid-level litigators exist in Cleveland and Cincinnati. Most such firms seek associates in the 3 to 6 year range with superb academic credentials and experience in general business litigation and labor and employment. As with other geographic locations, we remain cautiously optimistic that we will see an increase in demand for litigation and labor and employment associates in the coming months.

#### **Intellectual Property**

We have seen a slight dip in demand for intellectual property associates in these geographic locations over the last few months, but we are very optimistic that this will increase shortly. Traditionally, firms in Cleveland and Cincinnati seek associates with technical backgrounds in electrical engineering, mechanical engineering, biochemistry, organic chemistry or chemical engineering. Interested candidates should contact our Chicago office for more details.

#### **Tax, Employee Benefits and Trusts & Estates**

Tax, employee benefits and trusts & estates work tends to remain steady during recessionary times, and we continue to see modest demand for associates with solid experience in these areas. Most firms are looking for attorneys with top academic credentials and experience. If you have such credentials, please contact our Chicago office to hear more details about the specific opportunities in this region.

#### **Dayton, Columbus, and Toledo**

Like the other Ohio cities, we continue to see opportunities for partners with portable business. Practice areas of interest include: corporate, litigation, bankruptcy, labor and employment, real estate, intellectual property, health care, tax, estate planning and employee benefits. We also see a slight increase in demand for employee benefits and health care associates. While we have seen a slight decline in need for corporate associates, this is exclusively due to the economy and will therefore change as the market improves.

### **State of the Market: Utah**

*By Laura Rusche, Legal Recruiter, BCG Attorney Search*

#### **Partners with Portable Business**



Firms in Utah are always interested in speaking to partners with significant portable business, especially if currently practicing in Utah or with strong ties to the area. Firms are skeptical of attorneys without connection to Utah who seek to move there, so if you are such an attorney, be clear as to your reasons for moving there.

## Litigation, Bankruptcy, Corporate and Intellectual Property

The economic downturn was slow to hit Utah, but we are now seeing a decrease in demand for associate-level candidates. Even so, we have opportunities for candidates with excellent credentials and experience in the areas of corporate and intellectual property (technical backgrounds required).

## INTERNATIONAL (EUROPE AND ASIA)

### State of the Market: Europe

*By Danice Kowalczyk, Esq., Managing Director, BCG Attorney Search*

With the U.S. job market continuing to start and stop, candidates remain keenly interested in the European and Asia markets as possible regions to find new opportunities. Over the course of this summer, I have had a number of candidates inquire about these markets and whether they might hold more career promise. The answer to that question is: It depends....on a lot of factors.

First, let's take a step back. The Fall of 2008 and Spring of 2009 featured a host of redundancy programs in play at such top firms as Freshfields, [Clifford Chance](#), Olswang, Simmons & Simmons, Eversheds, Allen & Overy --- just to name a few. Moreover, outside of the European-based firms, we continued to see top U.S. firms cutting bodies from their European and Asian offices. In addition to the above, we saw a number of firms instituting compensation or "fee" freezing programs --- and heavily restricting the types of packages they might offer to candidates willing to relocate. On top of the foregoing, we must place timing. We have now entered the August season - which is a dead zone in Europe, in particular, due to holiday departures.

So, where does that leave us for Fall 2009? Traditionally, the fall hiring season begins just after Labor Day in the U.S. and lasts through the second week of December (right before the start of the holiday season). Thus, generally speaking, we should be about to enter a very busy hiring season, and we are keeping our fingers crossed. The summer months, in addition to the above-mentioned changes, brought about a slew of partner departures and partner re-joining. As such, we saw a large number of European and Asian firms re-positioning themselves, and that is not a bad thing. We are hoping such cut backs and re-shapings will be the precursors to smarter hiring for the Fall.

To that end, let's take a look at where we have seen activity as of late, and where we expect to see more activity:

### London

Corporate, Restructuring and Insolvency, and Litigation have been the three areas where we have seen activity over the past few months. Not surprisingly, corporate generalists are preferred, namely, those with securities (equity securities, Eurobonds, medium term notes, high yield bonds, convertibles and other hybrid securities), M&A, and joint venture experience. EU Competition associates have also been in some demand over the last few months.

### Paris

We have seen very little activity in Paris over the last few months.

### Germany (Dusseldorf, Frankfurt, Munich)

We have seen a number of changes in Frankfurt over the last few months with Davis Polk shutting its doors;

A&O and Dechert losing some folks; Simmons & Simmons building its office back up; and other such comings and goings. As such, Frankfurt and its neighboring cities of Dusseldorf and Munich have been relatively quiet when it comes to associate hiring. When we do see an opening, it's either in Corporate (generalist) and IT/patent law.

### Moscow

Similar to Paris, we have not seen a lot of activity in Moscow lately. Such region used to be a region where an associate could very easily find activity and a new position in the emerging markets. As of late, however, such emerging markets are suffering with Kazakhstan, for example, whose companies hold an exceptionally high level of debt, finding themselves in crisis. Thus, not surprisingly, we are going to see a need for restructuring attorneys here but not much else for a little while.

We are, of course, seeing similar ups and downs in the Asia markets.

### State of the Market: Asia

*By Danice Kowalczyk, Esq., Managing Director, BCG Attorney Search*

Traditionally, Hong Kong and Beijing offer candidates the most opportunities for relocation and new career placement with Shanghai, Tokyo, and Singapore coming in a close second. There has been recent word that deal flow is picking up; thus, we have seen a few opportunities here and there, but they are not quite as easy to find, and firms are being more and more selective - and taking their time - in terms of parsing through candidates. For those areas where we have seen activity, it has largely revolved around the following practice specialties: shipping and transport, international tax, arbitration, insolvency and restructuring, and real estate.

In summary, we are seeing some activity in the above areas, and we are hoping to see more for the Fall 2009 season. One thing to keep in mind, however, is the fact that it is the associate market that remains most injured. In contrast, the partner market in all of the above regions remains very, very active - as long as you have portables above US \$1.5 million. For those candidates, both Europe and Asia remain an ideal place to explore.