

# State of the Market - 2010 Fall

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

Northern California (Silicon Valley, and San Francisco)

The Northwest (Seattle, Oregon)

The Northeast (Washington, DC, New York, New Jersey, Connecticut and Philadelphia)

The Southwest (Las Vegas, Phoenix)

The Midwest (Chicago, Wisconsin, Michigan, Colorado)

## SOUTHERN CALIFORNIA

### State of the Market: Orange County

by *Claudia Barnes*, Managing Director, BCG Attorney Search

Our [Orange County market](#) report for the beginning of 2010 is very similar to the current market conditions. As a whole 2010 has not picked up as much as we had anticipated. The market remains litigation-focused with Labor and Employment as the hottest practice area. The good news is that corporate, tax and intellectual property transactions such as licensing are growing areas. Patent prosecution remains fairly steady. *Every* law firm is seeking to hire partners in most practices, but the hottest include bankruptcy, real estate, corporate, and intellectual property. Of Counsel or Senior Associates with some sustainable book of business are preferred. Firms will want to see the history of business generation for every senior level attorney.

### Healthy Practice Areas:

#### Labor & Employment

Strong employment law candidates will do well in Orange County market. Most firms are seeking candidates who are licensed in California, and have both class action and single plaintiff experience. Junior and mid-level candidates will garner the most interviews in this area of law. For mid-level associate candidates, firms are seeking candidates with steady work histories (meaning the candidate has not yet moved firms in his/her career). Employment law candidates should have focused labor and employment experience at either a large firm or a reputable employment law firm. This is a recession-proof practice area.

### Steady Practice Areas:

#### Litigation

Litigation remains a steady practice area in Orange County. Trial and deposition experience are valued, as firms want to hire self-sufficient candidates that can handle cases on their own. Junior to mid-level associates will do the best in this market. Senior associates need to have portable business or significant trial experience to be marketable. Candidates should have impeccable credentials (e.g. large firm experience, minimal job movement, top law school graduate).

#### Patent Prosecution and Patent Litigation

2010 has seen a continued demand for patent prosecutors and agents. Presently, our firm clients are seeking patent attorneys at all levels, although most seek an attorney with at least 2 years of prior firm experience. In Orange County, the "hot" scientific backgrounds remain electrical engineering, computer science, and physics. The life sciences degrees (biology and chemistry) remain much harder to market.

Candidates should have USPTO membership, and ideally California Bar membership. Abundant prosecution experience will be very marketable, along with prior engineering experience.

Patent Litigation is not quite as hot as prosecution in Orange County, but there is a strong need for partners with portable business as well as practice groups. On the associate side, there is a never-ending need for excellent mid-level patent litigators.

## Growing Practice Areas:

### Bankruptcy

The need for bankruptcy attorneys never really exploded like we had anticipated but there is a rise in the need for bankruptcy attorneys with at least 2 years of experience, and a strong preference for candidates who clerked for a federal bankruptcy judge. In particular, we have an opening for someone with Chapter 11 experience.

### Corporate

Corporate has been pretty dead everywhere, but there is a slightly growing need for corporate attorneys especially in the mid-level range (4-6 years) and with a focus on M&A and general corporate matters. Once the corporate practice area picks up more then we will start to see a greater need for tax and employee benefits/executive compensation candidates.

## Slow Practice Areas:

There is very little activity in real estate, healthcare, tax, environmental, energy, trademark, trusts & estates and employee benefits/executive compensation. That being said, candidates who have outstanding academic and professional credentials, 3-5 years of experience in their field, and membership to the California Bar will definitely get interviews. We anticipate the market for transactional practices to pick up a little in the first two quarters of 2011.

### State of the Market: San Diego

by *Claudia Barnes*, Managing Director, BCG Attorney Search

San Diego has historically been the hardest market to penetrate in California. To be competitive in the San Diego market, you must have top credentials as well as strong ties to the area. The California Bar is a must, as is longevity at your current firm (2+ years). Be ready to explain your reasons for leaving your current firm, as well as any other moves on your resume.

## Healthy Practice Areas:

### Labor & Employment

Well-credentialed mid- and senior- level employment law candidates will do very well in the current San Diego market. 2010 has been a good year for employment attorneys, and we continue to see a need for attorneys with trial and deposition experience who can take a case and run with it. Single plaintiff and class action experience is preferred.

## Patent Prosecution and Litigation

Patent prosecution (not litigation) is THE practice area to be in! We have an ever-growing need for patent prosecutors - particularly in the mid-level range. There is an increase in the need for candidates with a biology/chemistry/life science background - particularly those with PhDs. There is a tremendous need for prosecutors with an electrical engineering or computer science background. Candidates with good work

experience will surely get interviews. Patent litigation is also a solid practice area but the need is not nearly as strong as it is for prosecutors. Litigators with an electrical engineering background are strongly preferred.

## Tax/Employee Benefits/ERISA

Tax is becoming really hot in San Diego. Tangentially, employee benefits/ERISA is starting to heat up too. While Senior-level attorneys are those most highly recruited, there is room for mid-levels. Candidates who have experience in areas like employee benefits or charitable organizations will be attractive to potential employers and have better chances. In order to be competitive in San Diego, attorneys should be licensed in California, and they should also have both state and federal tax law experience. Senior level candidates with LLMS in Taxation will surely get interviews.

## 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. General litigation candidates without the California Bar should really wait until they are licensed in the state, or have at least taken the bar to successfully apply for [openings in San Diego](#).

### Corporate

Corporate was pretty dead in the beginning of 2010 and still is not thriving. However, we are seeing a slight increase in the need for experienced and well-credentialed corporate attorneys. Ideal candidates will be in the senior and mid-level range.

### Energy

We have seen the need for energy attorneys pick up all over the country as renewable energy becomes more popular. San Diego is no exception. Senior level energy attorneys with experience in contract negotiation and experience in FERC, CEC, CPUC as well as energy finance will quickly garner interviews.

### Real Estate/Environmental

Experienced real estate attorneys with traditional leasing and acquisition work from well-regarded law firms will get several interviews. Environmental attorneys with zoning and land use experience from well-respected firms will also get attention at top firms in San Diego.

## Slow Practice Areas:

We are not seeing a lot of activity in trademark, healthcare, or trusts and estates. Anyone in these practice areas should seriously consider looking into the Orange County and Los Angeles markets.

### State of the Market: Los Angeles

by [Claudia Barnes](#), Managing Director, BCG Attorney Search

In 2010, the [Los Angeles market](#) has seen a slow and spotty turnaround. However as the year goes on, hiring is picking up considerably and an east coast "big firm" corporate associate will find a very responsive market in Los Angeles. Additionally, California Bar enrolled Labor and Employment attorneys have continued to be in high demand throughout 2009, and even more so in 2010. While general litigation has picked up, hiring is still very slow in this area. Still, as associates continue to report being swamped, hiring is bound to follow. To be competitive in the Los Angeles market, you must have top credentials as well as strong ties to the area. The California Bar is a must, as the period of service at your current firm (2+ years). Be

ready to explain your reasons for leaving your current firm, as well as any other moves on your resume.

## Healthy Practice Areas

### Labor & Employment

Mid - and senior - level employment law candidates with good credentials will do well in the current Los Angeles market. Historically, firms have sought candidates who are already members of the California Bar and have experience with California labor and employment codes. This practice area is recession-proof for the most part. Any general litigator who has some experience in this area should seriously consider applying for positions in this practice area. If you are a litigator who has spent at least 30% of your time on labor and employment matters, it would be wise to market yourself as an employment attorney who is flexible on class year. For instance, if you are a 5th year litigation associate, then tell firms you will come in at a lower level (leave it up to the firm to decide where they should place you) if you can become a full-time employment attorney.

### Litigation

There appears to be a need for experienced litigators with at least 3 years of experience, and preferably more. The super hot area right now is consumer finance/class action/financial services litigation - which makes sense given the state of the economy! We are seeing more openings that require solid hands-on experience, including trial and deposition work. Firms are not looking forward to train laterals. They want someone who can hit the ground running and help train the junior associates.

### Corporate

Traditionally Los Angeles is a litigation market and this practice area remains steady, as opposed to hot, because though there is an increase in hiring, the number of vacancies is few and the open positions are highly competitive. New York firms with LA offices are leading the hiring in this area, and experience at a big firm (preferably on the east coast) is a must. Banking, Private equity, and strong traditional M&A work are the most marketable practices. You have to have experience on big deals and cannot look to re-tool small firm corporate experience. That said, East Coast transplants with the right credentials and experience in the mid to early senior associate range will get a few interviews. Need for finance and general corporate.

### Bankruptcy

Since the summer we have seen an increase in the need for true bankruptcy/corporate restructuring candidates. Firms have been very willing to wait until they find the perfect candidate. Standards are high. Firms expect candidate to come from top tier law firms and have excellent academic credentials.

### Steady Practice Areas:

#### Trusts & Estates

A couple of Los Angeles firms are seeking experienced [trusts and estate associates](#) who have at least 4 years of experience. This practice area is unusual in that many firms will hire laterally only if an attorney has a lot of experience (at least 5 years).

### Bankruptcy

In 2008, we anticipated a tremendous need for bankruptcy attorneys would eventually hit, but it didn't. We

believe most firms transitioned their corporate and real estate attorneys into their bankruptcy practice. This is the right thing to do in order to hold onto talented and bright attorneys. Bankruptcy associates with an impeccable pedigree (Top 50 law school and/or currently work at a boutique or large firm) in most class years should be able to get an interview or two. If you are a well-credentialed candidate with 2-5 years of solid bankruptcy experience, you will likely get several interviews.

## Corporate

Large firms are generally not hiring laterals for their corporate practices but they will consider someone with 2-4 years of experience and who has impeccable academic and professional credentials. The activity we are seeing is for the small and mid-size law firms. This makes sense. With the downturn in the economy, clients will look to firms that have lower billing rates to handle their deals. As firms continue to merge and become "mega-firms," we will see more and more need for mid-senior level corporate attorneys with big firm experience for small and mid-size firms.

## Patent Prosecution

In Los Angeles, patent prosecution continues to falter. However, law firms continue to seek well-qualified patent prosecutors. Firms that are hiring are extremely particular about what they want and are not flexible - they are happy to wait patiently for the right person. The major focus is on candidates with 2-4 years solid prosecution experience with backgrounds in electrical engineering (#1 preference), computer science (#2), or physics. Those with biology or chemistry backgrounds, generally need to have a PhD or at the very least, or a MA in their discipline. Those with mechanical engineering degrees are in much less demand. You must have membership to the USPTO, and there is a strong preference for candidates who are admitted to the California Bar. You may also have better luck in Orange County or San Diego.

Many firms seek partners with an established patent prosecution portfolio.

## Patent Litigation

Generally speaking, the patent litigation market is much softer than in recent years. But it is considered "steady," since firms are truly looking for patent litigators - including senior level associate candidates. Firms are very specific about what they want and are willing to take their time in finding the right match. There is no rush to hire anyone. Like patent prosecutors, litigation candidates who also possess an electrical, computer science or physics degree will do very well. Patent litigators should also be a member of the USPTO, and if possible, the California Bar - although firms are more flexible with bar membership requirements if you have the right science degree. But, anyone who has solid patent litigation experience with a technical degree should have several interviews.

## Slow to Dead Practice Areas:

The following practice areas have very little activity: Real Estate, Environmental (1 active land use opening), HealthCare (1 active opening), Employee Benefits/ERISA (1 active opening), and Tax, trademark (1 active opening), and tech transactions. However, firms are always willing to look at stellar candidates (top law school/law firm) with 2-5 years of experience in these areas.

## NORTHERN CALIFORNIA

### State of the Market: Silicon Valley

by *Claudia Barnes*, Managing Director, BCG Attorney Search

Silicon Valley has fared better than San Francisco. If you are seeking a position in San Francisco, you really need to apply for [positions in Silicon Valley](#). To be competitive in the current market, the successful lateral

associate candidate will be needed to have graduated from a top tier law school; be admitted to the California Bar; and possess sustained association (at least 2 years) with a big name law firm - the preference is on hiring candidates who already work in Silicon Valley.

## Healthy Practice Areas:

### Corporate

We are happy to report there are many [corporate positions in Silicon Valley](#). The focus on mid-level associates (3-6 years) with experience in some or all of the following: M&A, VC, IPO, capital markets, public finance, investment management, and fund formation. Firms are having a hard time filling their corporate openings and have become more flexible with regard to class year. Although there is a strong preference in hiring local candidates who already have the California Bar, nearly every firm will seriously consider a candidate relocating from another region like New York, DC, Texas and Chicago who also possess top caliber academic and professional credentials. With the increase in corporate openings, there has been a steady need for executive compensation/employee benefits associates.

### Intellectual Property (Litigation and Prosecution)

The need for intellectual property litigators (both patent and trademark litigation) at all levels, and patent prosecutors at the junior to mid-level are among the most sought-after candidates in Silicon Valley. For patent prosecution, candidates must have experience in a big firm or boutique and a strong technical background. Ideal candidates will have a background in electrical engineering, computer science, mechanical engineering, biotechnology, organic chemistry, biochemistry, pharmaceuticals, chemical engineering, and/or medical devices. Those in bio fields are typically expected to have a PhD or Masters degree. Registration with the United States Patent and Trademark Office is a must. We are seeing an ever-so-slightly growing need for trademark attorneys, which is a good sign for a slightly recovering economy. When there are budget cuts, the first thing to cut is on advertising and protecting or registering a trademark. Because trademark law is such a niche practice, if there is even one job opening for a trademark attorney, it is a good sign. We expect the need for trademark attorneys to develop steadily throughout 2011.

### Technology Transactions

We have seen a drastic increase for mid-level (3-6 year) associates with solid tech transaction experience from a leading law firm. In particular, firms are seeking candidates with biotech or electrical/computer science backgrounds and a great deal of experience in drafting and negotiating IP licenses.

## Steady Practice Areas:

### Litigation

The need for litigators never really took off this year, but there is a steady overall need for general commercial litigators at the junior to mid-level range. Further, the need for securities litigators did not take off as we had expected. Silicon Valley firms often require top academic credentials, big law firm experience, and/or a judicial clerkship.

### Tax

Tax remains a "steady" practice area and also did not get hot as we had anticipated. The corporate market has grown but the need for tax has stayed steady (better than no need at all, right?!). We do feel that the need for tax attorneys will grow steadily into 2011. Most firms appreciate (or require) an LLM in tax or CPA degree



and big firm experience or time at a major accounting firm.

### Slow Practice Areas:

There is currently no activity in bankruptcy, environmental, healthcare, real estate and trusts and estates. As opposed to the early half of 2010, there is very little demand for employment attorneys and currently only one active job opening.

### State of the Market: San Francisco

by *Claudia Barnes*, Managing Director, BCG Attorney Search

### Healthy Practice Areas:

#### Litigation

Litigation is a healthy practice area. The focus is on mid-levels with top academic and professional credentials who currently reside in the Bay Area and are members of the California Bar. We are seeing an increase in the need for candidates with consumer finance/class action/ financial services experience.

#### Patent Prosecution

The need for patent prosecutors does not seem to be as great as it was in the early half of the year. The emphasis is on junior to mid-level patent prosecutors with advanced degrees in chemistry (PhDs and MAs) are hottest with EE/Physics/CS a close second. Of course, most of the patent work is done out of Silicon Valley.

### Steady Practice Areas:

#### Labor and Employment

Surprisingly, the need for employment has decreased since the beginning of 2010. I'm sure this is just temporary. Labor and employment is a recession-proof practice area. At the moment, there is a need for mid-level associates, and a particular need for those with traditional labor experience. There is a real push to find employment partners with a sizeable book of business (roughly \$500,000).

#### Corporate

We are happy to report a slight increase in activity in corporate toward the end of 2010. Let's all pray that the economy is finally turning around. There are opening for mid-level corporate and finance associates. The hot areas at the moment are debt finance, M&A, securities, general corporate governance. Mid-level candidates who already reside in the Bay Area and work for a well-regarded firm are bound to get interviews.

#### Technology Transactions

There is a slowly growing need for candidates with solid experience in technology transactions from well-regarded law firms. Mid-level candidates who currently reside in the Bay Area and who are member of the California Bar will surely get interviews. We believe this trend will continue into 2011.

#### Tax

Although this area is far from hot or even really steady, it is a growing area. What a relief considering there were literally no active tax openings. Ideal tax candidates are in the mid-senior level range, have an LLM in Taxation, and have the California Bar (although it is not necessary).

## Slow Practice Areas:

The following areas are slow" real estate, intellectual property litigation (1 job opening), executive compensation/ERISA (before this was a hot area), energy (this also was a hot area in SF), tax, trusts & estates, environmental, bankruptcy, health care, technology transactions and trademark. However, we believe there will be an increase for the need of corporate and tax attorneys over the next 6 months.

Lastly, firms will likely consider any mid-level candidate with a stable work history and solid pedigree from a well-regarded law firm. There is a strong preference to hire candidates who already reside in the Bay Area.

## THE NORTHWEST

### State of the Market: Seattle

by *Claudia Barnes*, Managing Director, BCG Attorney Search

Seattle continues to draw attorneys because of the lifestyle in the region, educational opportunities for spouses, and the area's natural beauty. In short, supply often outweighs demand. Many attorneys want what Seattle has to offer. Unfortunately, there is not enough to go around. To succeed in Seattle, you need top credentials as well as the right fit, which means a tie to the area, a friendly demeanor, and excellent experience.

## Hot Practice Areas:

### Corporate

At the moment the focus is on SENIOR level candidates (7+ years), but the need will trickle down to the junior level as we enter 2011. Experience with some of the following areas is necessary to get an interview: M&A, debt and equity financing, emerging companies, initial public offerings, and securities. There is a strong need for partners with portable books of business. The health of this practice is helping to create a small need for ERISA associates.

## Employment and Labor

The need for labor and employment attorneys has picked up a little since the early half of 2010. Firms are seeking to hire mid-senior level attorneys with at least 4 (preferably more) years of experience. Employers tend to favor broad-based labor and employment litigation experience including class action and single plaintiff cases. Membership to the Washington bar or ability to waive in is key. The big firms always weigh ties to Seattle heavily.

## Steady Practice Areas:

### Intellectual Property (Patent Prosecution & Litigation)

There has been a steady decline in the need for patent litigators and prosecutors in 2010 but the need remains nonetheless. We believe there will be an increase in the need for litigators and prosecutors in 2011. Presently, our firm clients are focusing on patent litigation and prosecution candidates with 2-4 years of experience. In Seattle, the "hot" scientific backgrounds remain electrical engineering, computer science, and physics. The life sciences degrees, biology, and chemistry remain in demand but to a lesser degree. Candidates should have USPTO membership, and ideally Washington Bar membership. Abundant prosecution experience will be very marketable, along with prior engineering experience

### Technology Transactions

The need is a growing need for mid-senior level (at least 4 years) candidates with solid big firm experience



with technology transactions. Firms will definitely consider candidates who are coming from out of state and a willingness to relocate permanently to Seattle. A background in biotech is a major plus.

## Litigation

The demand for general litigators has been steady throughout 2010 and will likely remain steady into 2011. The need for securities litigators never took off like we had anticipated. At the moment, mid-level litigation candidates are the primary focus. Seattle firms prefer big law firm experience and/or a judicial clerkship. Most law firms require membership the Washington bar or the ability to waive in.

## Slow to Dead

Real Estate and Trusts & Estates are slow with having one job opening for each practice area. The focus is on experienced candidates (at least 5 years). There is currently no activity in the following: bankruptcy, environmental, trademark, employee benefits/executive compensation, health care, and energy.

### State of the Market: Oregon

by *Claudia Barnes*, Managing Director, BCG Attorney Search

## Healthy Practice Areas:

## Litigation

Litigators with at least 2 years of experience are in demand. Areas of emphasis are civil litigation and products liability. Candidates should have experience in all phases of litigation, including drafting pleadings and discovery, managing files, and attending hearings, depositions, arbitrations, and trials. Candidates must be admitted to practice in Oregon. Because many firms have offices in Washington State, the admittance to the Washington Bar is a plus.

## Patent Prosecution

Patent prosecutors with at least 2 years of experience will garner interviews in Portland. Candidates who possess a degree and background in chemistry or computer science and related areas are in particular demand. Candidates should have superior academic credentials and experience in drafting patent applications, opinions, and/or reexamination requests. Candidates must also be registered to practice before the U.S. Patent and Trademark Office. It is not necessary to be admitted to the Oregon bar.

## Steady Practice Areas:

## Employment

There is a slight need in Portland for employment litigators with 2-4 years of experience. Portland firms prefer to hire candidates already admitted to the Oregon Bar, but they will hire candidates coming from out-of-state.

## Health Care

There is a particular need for candidates with 2-5 years experience and familiarity with the following law and statutes: Stark, Anti-Kickback, HIPAA/HITECH, and Medicare. Firms are seeking Washington State practice experience, but are open to out-of-state candidates. Candidates with experience in drafting physician-oriented agreements are a plus.

## Intellectual Property Litigation

Intellectual Property litigators are not in as much demand as patent prosecutors. However, there is a need for litigators with at least 2 years of experience. Candidates with computer science, computer engineering, and electrical engineering backgrounds should get interviews.

## Corporate and Tax

There is a small need for mid-level corporate attorneys and tax attorneys with 4-5 years who also possess an LLM in tax.

### Slow Practice Areas:

There are few to no active job openings in the following areas: environmental, real estate, executive compensation/ERISA, energy, trusts & estates, environmental, bankruptcy, technology transactions and trademark. We do not foresee any changes until the second half of 2011.

## THE NORTHEAST

### State of the Market: Washington, DC

by *Robyn L. Ginsberg, Recruiter, BCG Attorney Search*

### Associate Market:

The DC law firm associate market has generally maintained the same level of activity as that displayed in the first half of 2010, with some noticeable increase in activity, in particular niche sectors. For example, there has been a noticeable increase in hiring in the healthcare and energy sectors, in certain corporate sectors (such as project finance, private equity and capital markets), and in the intellectual property sector.

The economy is continuing to pick up, and we expect the beginning of 2011 to be a busy time, as firms increase their hiring needs and associates begin looking for new opportunities that were not previously available over the course of the last couple of years.

### Firms Continue to Seek Candidates with Specific Profiles and Skill Sets Across Most Sectors of the Legal Market

Right now we have searches in a number of areas but, as has been the trend as of late, the firms are looking for candidates with very specific profiles. For example, present openings include riders like: corporate (must have superstar credentials), patent litigation (must have computer science background and experience as a software engineer), civil litigation (must have financial services background), project finance (must be a senior associate with Latin America and/or energy experience); tax (must have an LL.M in tax).

### Increased Number of Firms Actually Interviewing Candidates:

In 2009, some firms had openings posted on their websites, but they were not "active" openings. This was generally because firms wanted to opportunistically collect resumes; in the event, a "superstar" happened to come through the door. Very often, none of these job postings actually led to more than sporadic interviews. In 2010, however, this has changed. Firms with openings are now genuinely looking to fill the positions and are actively interviewing candidates. We are finding that firms are continuously updating their listings and posting new listings on a consistent basis.

### Increased Hiring:

In 2010, there is an increase in actual firm hiring as compared to 2009. Last year, firms would often interview candidates and then decide to put the search on hold, because they were concerned about whether they truly had enough work to keep a new associate busy. In contrast, throughout 2010, when a firm has a need and finds the right candidate, they are much more likely to actually go through with the hiring, because they are less concerned about volatility or a sudden drop-off in work.

### Voluntary Attrition is Increasing and Is Expected to Continue Increasing in The First Half of 2011

In 2009, associates generally couldn't leave their current jobs, either because there were no other jobs they could move to, or because they were hesitant to leave their current jobs due to the uncertainty of the market. This resulted in lower than average levels of attrition, which, in turn, resulted in an oversupply of associates at certain levels. Now that the economy is beginning to show signs of recovery, more associates are voluntarily leaving for either other firms, or for in-house or government positions. Further attrition is expected in early 2011, once associates receive their bonuses and/or year-end reviews. As a result, more associate openings are expected at firms across all sectors. As associates leave their firms, law firms will continue to have openings that will need to be filled.

### **Nevertheless, Certain Sectors of the D C Associate Market are Still Tight**

Despite the positive direction and more openings, the D C associate market is still rather tight and competitive. Additionally, there remains a sense among firms that they have the luxury of being very selective and "trading up" their ranks of associates. Some firms continue to have a bias against candidates that were laid off despite the candidate's credentials or experience. There are, however, signs that this perspective is beginning to diminish, as firms look to increase their ranks by focusing their search on high-quality, experienced attorneys.

The litigation market remains particularly tight, with very few openings at D C law firms. The few firms that are hiring litigation associates, continue to be extremely selective and, in most cases, are looking for a very particular skill set or are looking to add associates to help partners litigate specific cases. There are signs that certain sectors of the litigation market are beginning to pick up, such as white collar (particularly FCPA-related work), export/import controls, and antitrust, in addition to general commercial litigation.

Finally, there are indications that associate candidates are beginning to be more selective in their job searches, as the balance of power begins to even out a bit. Associates recognize that, while their choices may be limited, they at least have some choices at this stage (in contrast to the state of the market at the close of 2009). Firms are finally beginning to realize that, if they take too much time to search for the "perfect" candidate, they may lose out on a potential good fit. Firms are thus beginning to move more quickly in an effort to secure solid associates and are again taking steps to "court" candidates that they believe would be good additions to their associate ranks.

### **Partner Market**

Our partner practice continues to have the highest level of demand, with the caveat that partners without self-sustaining portable business are finding it very difficult to move to other firms.

Right now, we are working on several searches on behalf of law firms looking to expand their practice area expertise, including but not limited to firms seeking to expand their healthcare practices, export control practices and general corporate presence.

That being said, almost every firm in DC is open to partners with healthy portable practices. The minimum requirements for some firms are as low as \$500,000 to \$750,000 and some other firms require a minimum of at least \$3 million. Partners seem to recognize that their choices are once-again increasing, and they are taking their time as they seek to find the appropriate long-term fit for growing their practice and further developing their business.

We are noticing an increase in the number of partner candidates who are contacting us for the purpose of "feeling out" the market. Partners, like associates, recognize that the legal market in DC is beginning to recover, and thus they are arming themselves with knowledge so that they can consider their options and, in some instances, make moves at the beginning of 2011, that they hope will sustain and grow their practices well into the future.

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

by *Evan Anderson, Recruiter, BCG Attorney Search*

There is a discernable increase in activity in the [New York market](#) in very specific sectors. The mixed market signals and tentativeness that characterized the first two quarters of 2010 have given way to an increase in hiring primarily in the areas of corporate and finance. This is especially true for associates with experience in general corporate (M&A), capital markets, and banking finance. These are areas that were hit hardest in the economic downturn and they appear to finally be rebounding. On a related note, there has been a slight uptick in hiring in real estate and real estate finance although law firms are still understandably cautious about taking on new associates in these areas.

[Litigation hiring](#) is improving gradually in the New York market. The one area where firms are hiring consistently is complex commercial litigation and this has been true for much of 2010. There has been some hiring in securities litigation, antitrust, and bankruptcy and we continue to see requests for associates with federal clerkship experience.

[Hiring in intellectual property](#) continues to lag, with the only recognizable growth in patent litigation--but even this is slight. There was a minor increase in IP transaction hiring earlier in the year but this appears to have dropped off. Hiring in the trademark/copyright sector remains at a standstill.

Generally speaking, the incremental improvement that characterized hiring in the early part of the year seems to have been replaced with a more aggressive trend in hiring in the corporate and finance sectors. While hiring in Litigation remains somewhat tentative, it is clear that New York firms are on more solid ground than they were even three months ago and are feeling confident in hiring in their corporate and finance practices that they have not experienced in over two years.

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

by *Evan Anderson, Recruiter, BCG Attorney Search*

The New Jersey market continues to be dominated by hiring in the litigation sector. In addition to an uptick in hiring in general, healthcare, and commercial litigation, there remains a strong need for lawyers practicing insurance coverage litigation. There has been a slight increase in IP/Patent and bankruptcy hiring, though this seems uneven at best for now.

#### **State of the Market: Connecticut**

by *Evan Anderson, Recruiter, BCG Attorney Search*

[Hiring in Connecticut](#) right now is evenly balanced between corporate and litigation needs. Litigation needs tend to be in the areas of health, commercial, and white collar. Corporate needs tend to be in the areas of general corporate, transactions, M&A & securities. These are not areas where there has been much hiring in the past several quarters, so it is good to see the beginnings of an economic recovery, tentative though it may be.

#### **State of the Market: Philadelphia**

by *Evan Anderson, Recruiter, BCG Attorney Search*

The Philadelphia market is somewhat uneven at the moment and seems to have experienced a bit of a regression. Hiring earlier in the year was slightly more consistent and strong in the areas of corporate transactions, intellectual property patent, and regulatory work. Those trends seem to have given way to a much more cautious and tentative hiring approach.

Currently, there are advertised vacancies across several sectors but only one or two jobs in each practice area. The market is currently characterized by postings that remain open for several months but are not filled. This includes postings in the areas of general, complex, and white collar litigation; real estate; tax; ERISA; and trusts & estates. It is hard to say when Philadelphia firms will step out with more confidence but it is likely

that they have either not realized the benefits of the economic upturn we are seeing in the New York and DC markets and/or have over-hired in the first few quarters of 2010. Only time will tell.

## **THE SOUTHWEST**

### **State of the Market: Las Vegas**

by *Claudia Barnes*, Managing Director, BCG Attorney Search

#### **Overview**

Las Vegas has historically been a great market for candidates having difficulty in securing a position in a major market but who have solid big-firm experience. We have had great success throughout the years in placing attorneys from all over the country into Las Vegas. A large portion of Las Vegas attorneys come from other areas. That being said, the economy is very poor overall in Las Vegas. There are very few jobs at the moment. The "hot" practice areas are really lukewarm with the exception of litigation (particularly construction and construction defect). Historically, entrepreneurial attorneys will do well in this town.

#### **What's Hot/What's Not**

##### **Hot**

Litigation (including construction)

Real Estate (mildly lukewarm)

ERISA (mildly lukewarm)

##### **Not**

Bankruptcy

Corporate

Tax

Trusts & Estates

Land Use/Environmental

Intellectual Property, Litigation & Prosecution

Labor and Employment

Health care

#### **Specific Lateral Hiring Needs**

##### **Litigation**

The hottest practice at the moment is litigation. In particular, litigators with 4-6 years experience in general commercial, construction, products liability are sought. Candidate should possess the Nevada Bar.

##### **Real Estate**

Typically, Las Vegas is a Mecca for real estate attorneys. As we all know, the value of real property in Las Vegas has to a small fraction of what it was 2 years ago or even a year ago. Nonetheless, people are still doing business in Las Vegas, and it is only a matter of time before the city recovers. Candidates with 2-5 years experience in some or all of the following will do well: acquisition, disposition, development, financing, leasing, and other real property transactions for major commercial, residential, hotel/casino and resort development, investment and lending clients. Candidates who were member of Law Review will definitely get interviews.

##### **ERISA & Employee Benefits/Executive Compensation**

Even though there is not much corporate work in Las Vegas, oddly enough there is a small need for mid-level ERISA/Executive compensation/Employee Benefits attorneys with experience in the following: ERISA litigation/compliance, employee benefits, ERISA multiemployer litigation (including collections), regulatory (DOL and IRS). Ideal candidates will be licensed in Nevada, but firms will be open to out-of-state candidates.

### **State of the Market: Phoenix**

by *Claudia Barnes*, Managing Director, BCG Attorney Search

#### **Overview**

Phoenix is the largest legal market in Arizona and it is home to a number of national and regional firms. The state was struck hard in this recession and while firms are still recruiting it has slowed significantly. To break into the Phoenix market you need to have a tie to the area or a well thought out reason for moving to Arizona. While top academics are still preferred, explaining your interest in the market is equally important. As with other geographic locations, we are cautiously optimistic that demand for associates at all levels will increase as the recession subsides.

Phoenix has suffered greatly in this economy, and there simply are not enough jobs. While we have listed the hot and not hot practices, there are not many jobs openings even in the "hot" areas.

## What's Hot/What's Not

### Hot

Bankruptcy (lukewarm)

Intellectual property (on the partner level for Litigation and Prosecution)

Tax (lukewarm)

Trusts & Estates

### Not

Labor & Employment (typically hot)

Litigation

Real Estate (not hot for the moment but it is a cornerstone of the Phoenix market so look for it to pick up again)

Corporate

ERISA/Employee Benefits

### Specific Lateral Hiring Needs

#### Intellectual Property

Presently, the focus is on building practices at the partner level. The ideal intellectual property litigation partner-level candidate will have 15 years of experience and a portable book of business. Candidates should have first or second chair complex patent, trademark, and copyright trial experience; USPTO admission preferred. Firms are seeking candidate who have experience in cross-marketing with other practice groups. On the prosecution side, firms are seeking senior (at least 5 years) experience in patent, trademark, copyright, and or licensing. Firms want to have some assurance that candidates will be able to generate business on their own and expect all senior-level candidates to have \$150,000 in portable business. Candidate must be licensed in Arizona

#### Bankruptcy

With respect to **bankruptcy**, we are seeing a demand at the mid-senior level (at least 5 years) with experience in handling creditor's rights, foreclosure and workouts. Firms also want to see some ability for a senior level attorney to be able to build a book of business, and are expecting these senior attorneys to have at least \$150,000 in portable business. Candidates should be members of the Arizona bar.

#### Tax

There is a need for junior-level federal tax associates with general federal tax experience. Candidates with US Tax Court experience is a plus. Firms will consider candidates from out of state.

#### Trusts & Estates

Phoenix firms are seeking estate planning partner with exceptionally strong technical and drafting skills and substantial experience with high net worth clients. Partner candidates do not necessarily need to have portable business.

## THE MIDWEST

### State of the Market: Chicago

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



With the start of fourth quarter of 2010, came hesitation on the part of some law firms in Chicago, to actually increase their lateral hiring efforts. We get the sense that a number of firms are in a holding pattern, awaiting further word on proposed tax increases that are scheduled to go into effect January 2011. Politics and the economy appear to be driving lateral hiring and it will be interesting to see what changes will occur with the new Congress in January and whether businesses and law firms will feel they can expand without taking on additional risk.

As we reported last quarter, the Chicago market has shown some signs of improvement in particular practice areas. During this fourth quarter of 2010, we are continuing to receive a steady flow of requests from some of the largest Am Law 100/200 firms for lateral associates with specific transactional skills, including banking, debt finance and secured finance experience; corporate M&A; private equity; securities; capital markets; corporate governance; and broker-dealer and futures work.

Additional areas of need are outlined below. We hope 2011 brings brighter days for attorneys nationwide and encourage you to check back in with us periodically for updates!

### **Partners with Portable Business**

In Chicago, we are continuing to focus our attention on partner level searches for firms that are seeking assistance in [hiring partners](#) with portable clients to contribute to their bottom line.

Chicago firms have been receptive to income and equity partners with portable books of business, who are highly motivated to continue to grow their books in law firm environments, well equipped to service their clients' increasing demands for diverse services and attractive billing rate structures. We would be interested in speaking with energetic junior partners who have growing books of business.

We would also like to speak with more seasoned partners who have well established clients, seeking environments which are financially stable, and will offer their clients creative fee structures, excellent representation in key practice areas, and the ability to cross-sell services. Partners who have significant portable business in any of the following areas should contact our Chicago office: healthcare (particularly partners with experience in representing pharmaceuticals, hospitals, or healthcare providers), corporate transactions, bankruptcy, employee benefits and executive compensation, real estate finance, litigation, environmental litigation, mass torts litigation, products liability, private equity, labor and employment, immigration, patent prosecution, intellectual property litigation and trademark litigation. Chicago 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.

### **Corporate - Banking and Finance; M&A; Private Equity; Securities; Capital Markets, Corporate Governance; Broker-Dealer and Futures**

As indicated above, we are continuing to receive a steady flow of requests from some of the largest Am Law 100/200 firms for lateral associates with anywhere between 2-6 years of experience in banking, debt finance and secured finance; corporate M&A; private equity; securities; capital markets; corporate governance; and broker-dealer and futures transactions.

### **Bankruptcy - Creditors Rights Litigation**

Although we have not received the typical volume of bankruptcy requests we normally see in a down market, there are firms in Chicago with busy creditor practices, and we continue to receive requests for bankruptcy associates with anywhere between 3-5 years of experience in bankruptcy litigation and specifically, creditors

rights experience. Top tier law firm experience and excellent academics are generally required.

## Labor and Employment Litigation

Firms' labor and employment practices are busy and we would like to speak with associates with 5-7 years of employment litigation experience. Top priority will be given to associates familiar with defending class cases in Illinois and jurisdictions across the country under Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, wage-and-hour statutes and Employee Retirement Income Security Act, as well as handling cases brought by the EEOC.

## Employee Benefits; ERISA Litigation

Firms are also seeking employee benefits associates with anywhere between 1-7 years of experience in employee benefits matters including servicing corporate transactions and restructuring, Title IV and compliance matters. ERISA litigators with 1-5 years of experience should call our Chicago office. Additionally, employee benefits attorneys who are seeking off-track, staff attorney positions and who have specific skills in qualified and health and welfare plans, as well as executive compensation matters should also contact our Chicago office.

## Government Contracts

We have a unique opportunity waiting to be grabbed at a national firm's Chicago office for an off-track, staff attorney with 3-5 years of prior government contracts experience (or related experience and an interest in focusing in government contracts).

## Health Care - Transactional and Regulatory

As we reported in the last quarter, firms are reporting that their healthcare practices are definitely getting busier. We would like to speak with healthcare associates who have 2-5 years of experience with transactional and/or regulatory compliance matters, or associates who have corporate transactional backgrounds who would like to transition to healthcare.

We are also working with an outstanding firm that is [seeking a healthcare attorney](#) with at least 7 years of experience with regulatory compliance, licensure and certification, government payment as well as third party payer matters and healthcare operational issues. Exposure to HIPAA, Stark and Anti-Kickback, Medicare and Medicaid Reimbursement, provider licensing and counseling of corporate management on risk assessment and operational issues is preferred. Qualified candidates should also have experience representing home health, hospice, behavioral health, durable medical equipment, nursing home and/or physician practice group clients. Experience in working with for-profit healthcare clients is also preferred.

## Intellectual Property - Patent Prosecution

We would be interested in speaking with associates with anywhere between 1-5 years of experience in patent prosecution and a background in electrical engineering, or mechanical engineering.

### State of the Market: Wisconsin

by [Jamie Bailey](#), Managing Director, BCG Attorney Search

## Milwaukee and Madison

## Partners with Portable Business

Law firms in Wisconsin continue to be focused on increasing their bottom line and we are seeing a lot of

movement among the partner ranks. We would be interested in speaking with partners who have portable business in key practice areas generally found in large general practice firms.

## Health Care - Regulatory

We have a unique opportunity at a Wisconsin firm for a healthcare associate with 2-4 years of experience in healthcare regulatory matters, to join its prestigious hospice and palliative care practice. This associate will assist the hospice team in advising its hospice and palliative care clients throughout the country on a wide range of issues from large Medicare/Medicaid audits to day-to-day contracting, regulatory and reimbursement questions. Prior healthcare experience and excellent research, writing and communication skills are needed for this position. An excellent academic record is required and large law firm experience is preferred. The Wisconsin bar is also preferred but not required.

## Commercial Lending

Associates with 3-5 years of commercial lending experience, as well as experience working with derivatives, securities, and/or bank regulatory matters should contact our Chicago office.

## Litigation

Large firms in both Milwaukee and Madison are seeking junior to mid-level litigators. These firms are requiring law firm experience, excellent brief writing skills and court room experience. Wisconsin Bar and experience with and knowledge of federal court procedure and practice are generally required for these positions.

## Labor and Employment

A counter cyclical practice that typically does well in economic downturns, labor and employment is an area in which we have had a few requests at the 1-4 year level from firms in Milwaukee and Madison.

### 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](#) and/or the surrounding legal markets, including Lansing, Southfield, Ann Arbor, Grand Rapids, Novi or Troy. In particular, we would like to speak with partners with a minimum of \$300,000 in portable business. Of particular interest are partners with portable business in the following areas: intellectual property, employee benefits, tax, employment, general commercial litigation, construction, healthcare, and corporate transactional.

## Detroit

## Health Care

We are working with an outstanding firm that is seeking a healthcare attorney with at least 7 years of experience with regulatory compliance, licensure and certification, government payment as well as third party payer matters and healthcare operational issues. Exposure to HIPAA, Stark and Anti-Kickback, Medicare and Medicaid Reimbursement, provider licensing and counseling of corporate management on risk assessment and operational issues is preferred. Qualified candidates should also have experience representing home health, hospice, behavioral health, durable medical equipment, nursing home and/or physician practice group clients. Experience of working with for-profit healthcare clients is also preferred.

## Corporate; Private Equity; M&A; Finance; Securities

We would be interested in speaking with attorneys with 4-8 years of experience in corporate finance, securities and restructurings. Mid to large law firm experience and excellent academics are required.

## Labor and Employment

Associates with 3+ years of experience in traditional labor matters and counseling should contact our Chicago office. Particular experience with NLRB, the Michigan Employment Relations Commission is required, as well as experience with unfair labor practices, union elections, arbitrations and collective bargaining. A litigation background is preferred.

## Trusts and Estates

Trusts and estates attorneys with 3+ years of experience working with high net worth individuals and families should contact us regarding opportunities in Detroit.

### State of the Market: Colorado

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

## Denver

## Corporate; M&A; Securities; Corporate Governance; Finance; Private Equity

We would be interested in speaking with associates with 2-7 years of experience in any of corporate, M&A, securities, debt equity financing, capital markets and/or private equity matters.

## Tax

[Tax attorneys](#) with 7+ years of experience in the Community Renewal Tax Relief Act of 2000 (new markets tax credits) should contact our Chicago office. (This position requires an LLM in Taxation.)

## Intellectual Property - Patent Prosecution

We would also like to speak with associates with 2-5 years of experience in patent prosecution matters. A background in electrical engineering is required. (USPTO is also generally preferred or required for these positions.)

## Litigation

We have also seen some need for litigation associates at the 2-5 years level at the smaller and mid-size firms and some prestigious boutiques. These positions generally require strong academics, law review and often prefer that candidates have had federal clerkships. Colorado licensure is also generally required.

## Health Care

Healthcare associates with 3+ years of experience in transactional healthcare matters and exposure to regulatory, Stark, Anti-kickback and licensing matters should contact our Chicago office.

## Partners with Portable Business

We would be interested in speaking with partners with portable business in litigation, labor and employment and corporate, M&A and securities. Firms will look at a minimum of \$500,000 in portable business.