

## *Is Changing Practice Areas within a Law Firm a Good Move?*

*By Harrison Barnes from Los Angeles Office*

### **Question:**

I am an associate with a top firm in Manhattan. Work in my practice area at the firm (M&A) has gotten very slow, and my mentor has asked me if I want to transfer to another, busier group within the firm such as litigation. Should I do so if I have no interest in litigation and do not ever plan on practicing in this area of the law? -James C., New York, NY

### **Answer:**

In today's market, which is volatile at best, this is a very common question. The up and down of the stock market has taken its toll on a number of firm clients. It has, therefore, taken its toll on a number of firms - and their influx of business from new clients. It's not surprising to hear that several key areas of practice are slow this season, such as M&A, structured finance, and any practice that relies on the credit markets.

In light of this slowdown, some associates are finding themselves without a great deal of work to do this summer. With low billables for weeks on end, an associate really only has three choices: (1) sit it out and hope the market and business picks up; (2) move to a busier practice group within the firm; or (3) switch firms. We are going to focus on the second number two.

Ideally, it is best to move to a busier practice group within your practice area. Thus, if you are an M&A associate, and M&A is slow, try and jump to the securities/capital markets or hedge fund practice groups. Although these are different legs of the corporate animal, keeping a consistent resume is very important, and I would rather see you become a corporate lawyer than a jack-of-all-trades in a number of different or unrelated practice areas.

Having said this, when switching to another leg of corporate practice is not possible at your firm and your only option is to move to a practice group which is outside of your current subject area (such as moving from corporate to litigation), this requires a bit more thought. It is a weighing of realities and priorities. If your firm is struggling or you are sensing a downturn, a move to the litigation practice may not be ideal, but it will keep you employed, busy, learning, and engaged.

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For those of us with a mortgage and children on the brain, that biweekly paycheck cannot be undervalued. Thus, if an income is important to you right now, move to litigation. It is not an ideal scenario, but it will keep you employed and your resume will continue to feature the same employer. That is valuable.

There is also value in taking on corporate-related pro bono projects during this period so that while you are doing them, you are also adding some new corporate matters to your resume. They may not be client billable, but again, they are. Finally, you should keep your eye on the prize and switch back into corporate as soon as the market improves and your partners allow.

If, on the other hand, a consistent income is not your top priority and you are more inclined to take a risk, you may consider the option of staying where you are in the M&A practice and simply waiting things out. Keep in mind, however, that "waiting out" can be risky. If, for example, three more months pass without any work in M&A, you may be recast as the low performer in the firm - and if your firm is looking to lay people off, that is not the type of fruit you want to be. Thus, staying in a group during a down period has attendant risks, which only you can consider and decide upon.

Finally, you may decide to cast off your slow practice and the partner's undesirable offer to have you switch practices and move to another firm altogether. This is a very real option, although finding a new firm can be a slow process. Summer time, which, traditionally, is the sleepy time for lateral hiring.

Thus, when thinking about ways to keep yourself busy in a slow practice, I would recommend not letting pride or "vision" of yourself get in the way of keeping yourself valuable within your firm. Law firms are businesses. When I am slow and your goal is to stay busy, weigh your personal priorities, compare them against your career priorities, and make an informed decision.

Please see this article to find out if litigation is right for you: *Why Most Attorneys Have No Business Being Litigators: Fifteen Reasons Why You Should Not Be a Litigator*

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