

Is Voluntary Disclosure During an Interview a Good Idea?

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Question:

I am a third-year litigation associate in a mid-size law firm and was recently told that I should start looking for a new position. The reason I was given by the partners is that although I am a valued attorney and have done good work, there is not enough work to sustain me at this point. The partners specifically told me that they would help me find a new position, keep me on the firm's website, give me good references, and also suggested that I not tell potential new employers that I was asked to leave. Should I volunteer information regarding the reason for my job search during the interviews or not? I am getting conflicting advice.

Answer:

This is perhaps one of the most difficult (and grayest areas) that comes up in attorney job searches. Thus, I'm not surprised at all that you are receiving conflicting advice. Many people feel strongly that you should volunteer this information, while many others feel strongly that you are under no obligation to voluntarily disclose this information. I will explain some of the common arguments on both sides and then provide my personal opinion at the end.

1. Common Arguments Made by Those in Favor of Voluntary Disclosure:

Although you were asked to leave because of a downturn in work, [the fact that you were laid off should be considered material information that a potential new firm would certainly want to know when evaluating your candidacy.](#)

The legal community is small, and odds are the reason you were asked to leave will become known to your prospective employer at some point. [This is even more likely to happen if people at your current firm know people at your future firm.](#)

Credibility is everything. If you are [interviewing with a firm](#) and the people there find out (without you telling them) that you were asked to leave, they may question your credibility and doubt the sincerity of everything else you told them during the interview. If the new firm finds out the truth after it hires you, the hiring partners may feel as though they were misled during your interview. They might feel that although they didn't ask if you were laid off, it's still something you should have disclosed.

Don't listen to what your current firm tells you about not disclosing this information. It is concerned that you will tell other employers that work is slow, which will make it look like it is not doing well. It is protecting and looking out for its reputation. Don't risk your credibility because of this issue.

If you were thinking of hiring somebody, wouldn't you want to know why that person was leaving his or her current position?

[While you may not feel comfortable volunteering this information at the beginning of your interviews and could risk raising a negative inference about your candidacy,](#) it is much wiser to come clean with the information at the beginning. By doing this, you will be showing strong character and that you are trustworthy, two of the most important things employers look for in attorneys.

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2. Common Arguments Made by Those Against Voluntary Disclosure:

By keeping you on [the website](#) and [telling you not to disclose that you were asked to leave](#), your current firm has specifically taken steps to ensure that you won't have to disclose this information. The partners understand that there is a strong bias against people who have been asked to leave (even if it was due to workflow issues), and they feel that it would not be fair for you to have to disclose this information since you were let go because of a workflow issue that was their fault and not yours. As long as you are still employed by your current firm and your interviewer doesn't ask whether you were laid off, that's all that matters.

If you were asked to leave for performance-related issues, that's one thing. But this was due to workflow issues, which are totally out of your control. Thus, because it does not reflect your performance, it's not really relevant to assessing your abilities as a lawyer.

The interviewing firm has a duty to ask for information that it deems relevant, and if it deems whether you were asked to leave your current position relevant, it will certainly ask about the issue.

If you volunteer information that is often perceived as negative without being asked, the interviewing firm might question your judgment. Rather than seeing you as honest, the hiring partners might think you are nave. (Litigators never disclose-up front-negatives about their "cases" without being asked.)

3. My Opinion:

After seeing this type of scenario play out in numerous ways, I am in favor of full disclosure, even if you are afraid that volunteering the information up front may hurt your chances of being hired.

The phrase "the truth will set you free" is very applicable to interviewing. If you go into an interview trying to hide the truth or hoping it won't come up, you will not interview as well because your energy will be focused on protecting yourself from being "found out" rather than on showing the new firm why you are a strong candidate. A subtle but markedly different energy will come through. Plus, Murphy's Law dictates that what you're trying to hide will be found out.

Some people have said things like "Law firms usually don't voluntarily disclose the negatives about their firms without being asked, so why should I?" But two wrongs don't make a right. Just because law firms don't disclose their negatives, it doesn't mean you have to play the same game.

I think the conundrum you are facing is caused by a larger problem in the industry. There is a bias against attorneys who have been asked to leave, and I can understand why it's an issue employers want to vet to ensure they are not inheriting another firm's "problem."

Some laid-off candidates are asked to leave because of problems, but some are still very good performers and are the victims of circumstance. Even those who are good performers may still run into the following perception: "If this person was really a superstar, the firm would have found a way to keep him/her around."

Certain law firms continue to reinforce the negative stigma by automatically dismissing candidates because they were asked to leave. Due to the repercussions (and embarrassment) that accompany being asked to leave and the massive pressures candidates are under while looking for new jobs after being asked to leave, they are understandably scared of severely hurting their chances during interviews. As such, some are inclined to simply not volunteer the information.

All in all, I think the best thing you can do is come forward with the information, but express it the right way.

Don't just say, "I was asked to leave." Instead, provide the interviewers with more context that explains the circumstances that were out of your control. Also, highlight the facts that you received good performance reviews and have good references.

Based on what you are telling me, this was not in any way your fault; you were a victim of circumstance. As such, you need to make that clear when you interview. If you present this the right way, the firm will likely appreciate your honesty, and hopefully, if everything else is a fit, it will still be interested in continuing discussions. At the very least, the firm will appreciate your honesty and character, which goes a long way.

If a firm automatically dismisses your candidacy after you disclose that you were asked to leave for non-performance-related issues, this does not reflect well on the firm's ability to look beyond the surface of candidates, and thus, it may not be the type of place you would want to work for anyway.

As I mentioned above, I've seen attorneys handle this situation in a lot of different ways with a lot of different results and can confidently conclude that up-front, voluntary honesty is the best policy for everybody involved. It's certainly not the easiest policy to follow, but in the long run, it's the best.

Good luck to you, and thanks for the great question.

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