

A Realistic Approach to Changing Practice Areas

Introduction

Out of all the inquiries I receive from attorneys as a recruiter, no small number are from attorneys who, for various reasons, are looking to switch practice areas at some point in their career. Perhaps they were a general commercial litigator who discovered a passion for employment law after getting assigned to an employment dispute, or it might be an attorney who had hoped to do tax law but fell into general transactional work because no firms were hiring tax lawyers when that attorney graduated (this is fairly common with would-be corporate attorneys who came out of school during the economic crash and had to take an alternate practice group position or none at all).

Whatever the reason, there are various factors that make a transition to a different practice area more or less feasible as a career option, and hopefully by reading about and considering these factors in detail, you will [come to a more informed decision about the next step in your career](#).

Factor One - Is Your Desired Practice Area Related At All To Your Current Practice Area?

If you are [looking to switch to an entirely different practice area](#), e.g., from litigation to real estate transactions, it is going to be an extremely tough sell to future prospective employers. [As I have discussed in a previous article, you should always consider your job search from the perspective of a prospective employer and what they are going to be looking for in a potential hire - the bottom line is value.](#)

You may be a good attorney. In fact, you may be an excellent attorney, and a top-notch litigator. [But if you do not have the requisite experience, knowledge, and skill set for a particular practice area](#), it is hard to see from a hiring perspective why you would be a more valuable addition than an attorney who has already been practicing in that area for a number of years.

There are a lot of good attorneys out there, but to use a simple sports analogy, there are a lot of good professional athletes out there, and if you are looking to add a pitcher to your major league baseball team, even the top tennis pro is unlikely to be an appealing prospect if you are in charge of hiring for the position and your bottom line concern is for the success of the team.

[The closer your target practice area is to your current and past experience, the better chance you will have.](#) A real estate attorney might make a natural transition into a leisure and resorts practice, because there are many common underlying elements. Depending on the particulars of her experience, a tax attorney might be able to market herself into a trusts and estate planning position. I think you get the point.

If you are looking to make a move into a different practice area, it is an extremely helpful exercise to catalog your credentials and experience that relate to your target practice area, and to see how actually substantive they are, thinking of things from a hiring-side perspective. You might be a great attorney, but do you bring enough value, and can you handle matters in that practice area right now, or very shortly in the future with minimal training? If not, it is going to be a hard sell.

Factor Two - How Senior Are You?

Very much related to the first factor is how senior of an attorney you are. [Most major firms, and many mid-sized and smaller firms, tend to stick to a fairly rigid hierarchy of hiring and promotion by class year](#), even firms who have adopted a "merit-based" compensation system rather than a lock-step system. For a wide variety of reasons, some practical, some internally political, the more senior you are, the less of a chance you are going to have at making a practice area transition.

For example, if you are a sixth-year litigator with only [litigation experience](#), it doesn't matter that you have second-chaired three federal jury trials and conducted over one hundred depositions. Your resume and experience is simply not going to get you an interview for a [technology transactions](#) position. A firm looking to hire is hiring because they need experience and capability in a particular practice area, and if you do not have that experience, it is not an attractive value proposition.

You might say that you are willing to be flexible on entry-level class year, and apply as a sixth-year litigator to an entry-level real estate position, but again, this is not going to look very attractive to firms. While you might think that the firm is getting a great deal because they will have an experienced attorney at a lesser cost, firms just do not see it this way. They will wonder why you did not have the foresight to pick the practice area you liked within the first few years of your career. They will wonder whether you will simply give up on this new practice area in a few years, just as you became disillusioned with your current one. And clients will wonder about the practice abilities of a Class of 2006 attorney who is being billed out at entry-level rates.

If you are very junior in your career, and are not enjoying your practice area (and see more senior attorneys in your practice area doing things that would not excite you once you get to do them), you should speak to your partners as soon as possible about getting different kinds of assignments and transitioning into another practice or, failing that, to lateral to a different firm within your first 2-3 years. After that, it gets much harder.

Factor Three - What Market and Firms Are You Targeting?

The above two factors are going to be the most true for big firms in big markets, where they will have dozens, if not hundreds, of highly-qualified applicants for any potential position. However, if you are targeting a smaller market where you have extensive personal ties (e.g., you are looking to move back to a smaller or medium-sized town where your family lives), you may have a somewhat easier time marketing yourself for different practice areas as long as your overall credentials are generally strong.

A lot of law firms in smaller and mid-sized markets are generalists - because of the smaller population and smaller economy, in order to sustain a viable [law firm practice](#), many firms and attorneys in smaller and mid-sized markets handle a wider [variety of work, such as a blend of transactional and litigation work for the same corporate client](#).

With the caveat that you need to be cautious that you are prepared and qualified to handle particular matters so that you do not run afoul of attorney ethics rules, you can often pick up different types of work in these markets, and lateral in to a firm based on the strength of your credentials and personal ties to the area rather than practice-specific experience. Of course, what will help you the most in this situation, and will be very helpful in the larger markets as well, is the next factor...

Factor Four - Do You Have Portable Business?

The entire lateral job search calculus changes immensely once you have [portable business](#), that is, clients and matters that you can guarantee you will bring with you in a lateral move to a [new firm](#).

For one, portable business changes the value proposition tremendously, and generally in direct proportion to the annual billable amount. If you can sustain yourself, that is bring in enough billable business to cover the cost of your own salary and some overhead, almost any firm will be willing to take a look at you as a lateral candidate unless the type of work and your client base simply does not fit at all with their firm profile or business model.

The best case scenario, and one that will make it more likely that you can start gaining significant experience

in another practice area, is if you have a client who has legal work that your current firm is incapable of servicing. For instance, if you do litigation work for a business client, and you are working for a firm that does only litigation, that client will have to look elsewhere for their transactional needs. But if you lateral to a firm that has a strong transactional practice, you can cross-market your new transactional group to the client, and begin to take part in that type of work by being on the team that handles the transactional matters.

Conclusions

Hopefully this article has provided some helpful information in how to think about the realistic prospects of a lateral job search if you are [looking to switch practice areas](#). It is of course important what type of work you want to do going forward, since it is your life and your career. But in order to do that kind of work, you need to have clients or find firms who are willing to pay you to do that kind of work, and thus it becomes a matter of selling yourself and your value, making sure that you are taking a realistic approach.

As always, if you are looking to transition into a new position, or think you might have the background and experience to transition into a new practice area moving forward in your career, do not hesitate to get in touch with a BCG recruiter.