How Attorneys Can Switch Legal Practice Areas: The Definitive Guide to Switching Legal Practice Areas for Attorneys

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It is difficult to switch practice areas, but it can be done. Your ability to switch practice areas will depend upon the following things.

In a lot of respects, the path attorneys take to joining a particular practice area is nothing short of insane. Most attorneys interview for summer associate jobs, take the best summer job they can get, and join a particular firm without much thought to what practice area they will be in. Given that people spend a significant amount of their lifetime at work, enjoying the work they do is especially vital, and the process attorneys undertake to choose a practice area seems nonsensical in a lot of respects.

It is not surprising then, that many attorneys call virtually all of our offices on a daily basis seeking to switch practice areas. It is difficult to switch practice areas, but it can be done. Your ability to switch practice areas will depend upon:

your academic background,

the length of time you have practiced,

the law firm you are with,

the condition of the legal job market,

the market demand of the practice area you want to leave and enter,

your geographic location, and perhaps,

pure luck.

However, the most important aspect involving the switching of practice areas revolves around the question of who you are specifically.

An important aspect to remember is that switching practice areas should not be a decision taken lightly. What type of work you should be practicing should be more a function of where you feel your skill set and interests lie. Additionally, simply switching firms to join a new practice area may not always be appropriate.

For example, you may be able to switch practice areas within the confines of your own firm. If this is possible, you should not enlist the aid of a recruiter.

How Do Attorneys Choose Practice Areas?

Many attorneys initially choose one practice area over another by default: simply, it is the best job they can get after some search during law school.

Sometimes the condition of the legal market forces them to choose a particular practice area. For example,
because of the weak market condition in the early 1990s, 2001 and 2002 and then 2008 and 2009, most law students were forced to choose litigation instead of corporate or transactional areas of the law. Others decide based on their perceived stability of their chosen practice area and the strong demand shown in the marketplace for attorneys in a practice area.

For those law students who did very well in law school, how they select their chosen practice area may be different. Prior to the bar results being announced, most of these recent graduates would have chosen their area of practice. Most would have expressed a desire to enter a particular area during or after their second-year summer clerkship, and would pursue those firms that would allow them to practice in their chosen area. In addition, compensation or the chance to later obtain an in-house position may be the driving force in choosing a practice area. Yet others admire someone practicing a certain type of law, think it is glamorous and prestigious, and decide to follow in that person's footsteps in choosing a practice area.

In whatever manner a recent graduate chooses a particular area of practice, once that lawyer begins practicing law, partners, other associates, clients and people in general begin building expectations and, in their mind, categorize the lawyer as a litigation, corporate or patent expert. Unfortunately, these expectations become even more intense as the years pass, and obviously, make it all the more difficult to switch practice areas. If you have been a real estate transactional attorney for 8 years with no litigation experience, despite the fact that you went to Harvard and did very well there (and are practicing at one of the largest law firms on Earth), you would find it difficult to land a job in a major law firm doing securities litigation.

A colossal change in practice area, as described above, would be possible if there is a tremendous demand for lawyers in the desired practice area and/or the lawyer has solid credentials. For example, assuming the lawyer described above has a technical degree, firms may be interested in him if he chooses to become a patent attorney. Of course, in most cases, he would have to take a cut in his salary and may be required to adjust his partnership track position within the firm.

Who Wants to Switch Practice Areas?

1. Litigators Want to Switch Practice Areas the Most Often. Litigators are the most likely candidates to want to switch to another practice area. In most instances, litigators want to switch practice areas to become corporate attorneys. When corporate is "hot" (and it can get very hot) we often have more litigators calling us who want to switch to corporate than we have litigators calling us to switch firms within the litigation field.

For An In-Depth Discussion of Corporate versus Litigation as a Career Choice See: Difference Between a Corporate Lawyer and Litigator.

I have little doubt that many of these attorneys were drawn to the corporate field by the idea that if they practiced corporate law they would have the opportunity to work in a technology company and retire at the age of thirty with healthy stock options. While this happens probably only 1 in 5,000 times for attorneys who go to work for technology companies, the fact is that it does happen. We have all heard the stories about these successes and excesses, and they are all good stories. Early retirement, however, should not be a prime motivation for switching practice areas.

Some litigators, moreover, are initially mesmerized by courtroom drama, or perhaps by the personalities of famous trial lawyers such as:

F. Lee BaileyDavid BoiesJohnnie CochranGerry SpencePhil Corboy

However, after practicing for some period of time many litigators become frustrated with having to review stacks of documents and engage in petty procedural law and motion matters, and quickly realize that they would rather build than destroy. See Builders and Destroyers.
Many attorneys who switch from litigation to corporate also do so because they do not like the constant conflict and adversarial environment involved in a litigation practice.

Similarly, many law students may have misunderstood what makes good litigators when they made the decision to join a particular practice group. Litigators are not necessarily the Type A personality, who lack social graces, are innately aggressive, and exhibit no empathy toward their adversaries. Most successful litigators are, instead, cordial and professional in their interaction with their counterparts, and are great writers and strategists who can think quickly on their feet.

Arguably, Daniel Goleman, the author of *Emotional Intelligence: Why It Can Matter More Than IQ*, was right that successful people, for our purpose litigators, possess self-awareness, altruism, personal motivation, empathy, and the ability to understand and relate to the emotions of others, and are able to overlook and ignore adversaries who exhibit gigantic egos, are unprofessional or act rudely. According to Goleman:

> At best IQ contributes about 20% to the factors that determine life success, which leaves 80% to other forces...No one can yet say exactly how much of the variability from person to person in life's course it accounts for. But what data exist suggest it can be as powerful, and at times more powerful, than IQ. (Goleman, Daniel (1995). *Emotional Intelligence: Why It Can Matter More Than IQ*.)

If you have the qualities of successful people described by Goleman, you probably have the building blocks of being a talented litigator.

### 2. Corporate Attorneys.

The desire to switch practice areas is not unique to litigators. Corporate and transactional lawyers realize that they are not "doing deals" as often as they would like, or realize that they spend too much time with volumes of legal jargon and not enough time with dealmakers. As legal recruiters, the pattern of calls we receive is quite amusing. For example, during late 2000 to 2002, and then in 2008 and 2009, as corporate attorneys were being laid off or corporate work was very slow in numerous large American law firms, we started getting calls from corporate attorneys wanting to switch to litigation. In the years when the corporate market was doing exceptionally well, we did not receive any calls from corporate attorneys wanting to switch to litigation.

One thing about litigation is that there are people who are more suited to it than corporate work. Litigators tend to have very good verbal and writing abilities and enjoy the human side of conflict. Conversely, corporate attorneys tend to enjoy the unemotional but controllable aspects of the work they do and the exposure to high profile deals. Corporate attorneys often have an interest in business as well.

When corporate is in demand, many attorneys may go into it that are actually more suited to litigation. Accordingly, there may be justifications now for many of the attorneys who initially chose corporate as a practice group to switch to litigation.

**Why do you want to switch?**

Attorneys who chose to switch practice areas for the "right reasons" most often do so because they realize they are not suited for the particular practice area they are in. It is imperative that you thoroughly evaluate the reasons why you want to switch practice areas. Why do you want to switch? Was it listening to your friends boast about the mega merger deals they worked on, or the salary they command because of the incredible demand for lawyers in their practice area? Or, was it your perceived glamour of courtroom drama, or watching countless hours of Ally McBeal?
Have you thought about whether you are seeking to change practice area because you are unhappy with your current firm? In such circumstances, changing firms may ultimately be the right choice instead. Perhaps you need a vacation after working for 30 days straight in closing a huge deal.

Whatever the reason, you need to be honest with yourself and identify the reason you are seeking change in your practice area, and make sure that your reasons are thoroughly explored and are compelling. You do not want to find yourself in a similar predicament a year or two after you have switched practice areas.

**Critical Analysis**

You have to critically analyze yourself to determine if you have the personality traits and qualities to practice in the area you desire. If you are an introvert who does not enjoy a confrontational and adversarial work environment, you should not consider switching your practice area to become a litigator. Are you detailed oriented? Do you enjoy working mostly on your own or with others? Do you have an inquisitive nature? Are you good with numbers? Do you enjoy complex matters? Do you relish winning rather than seeking a win-win resolution?

Besides analyzing your personality traits, you must also take stock of your credentials, both your academic and experience background. Remember that firms are pedigree hounds! Having an impressive academic background opens a lot of doors, including getting a firm to notice you even if you want to switch practice areas. Another attribute is major law firm experience. A Latham & Watkins corporate associate or a Kirkland & Ellis litigation associate would get much more favorable reception than one who toiled for an unknown firm in North Dakota (this is not to say North Dakota does not have great firms).

**How to Switch Legal Practice Areas**

Once you have identified the reasons you are seeking to change your practice area and are convinced that the reasons are compelling, and have done the requisite critical self-analysis as well as of your academic and experience credentials, you should plan how to proceed to make the desired change.

If you have been a solid associate and your firm thinks highly of you, then you should approach your current firm and ask to switch your practice area. You should first speak with trusted confidants within the firm, hopefully partners or senior associates, before surprising the managing partner or the head of the practice group. In addition, find out if there is a need for an associate in the desired practice area within the firm. If there is such a need, naturally your task is much easier.

Also, you should explore whether changing your firm would enable you to reach your desired goal. If you have superior credentials, have a serious commitment to changing your practice area, and there is a demand in the marketplace for such lawyers, you will probably be successful in changing your practice area. In making the preparation for switching your practice area, think about attending a seminar or taking a class to familiarize yourself with your desired practice area. This would show the firms initiative on your part, and it would demonstrate to the firms that you are serious and committed, and have thoroughly explored the practice area you want to enter.

**Conclusions**

It is true that people's emotional well-being is strongly tied to their work. This is not surprising because a significant portion of our waking hours are spent going to work, actually working or thinking about our work. If one is unhappy with his line of work, a feeling of discontentment, melancholy and sadness, including perhaps, depression most likely permeates in his social and professional life.

Of course, it is entirely normal to feel unhappy with your job occasionally, and the reasons for the
unhappiness may not be related to your practice area. But if it is connected to your practice area, it behooves you to explore the reasons. Besides determining why you want to switch your practice area, you should critically analyze your skill sets and personality traits, as well as academic and professional credentials, prior to embarking on the process of changing your practice area.

How to Switch Practice Areas in Law
List of Legal Practice Areas
Alternatives to Law Practice
Growing Legal Practice Areas

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