

When is it too Late for an Attorney to Switch Practice Areas?

By Harrison Barnes from Los Angeles Office Managing Director

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Q: I was wondering if it is too late for me to switch practice areas. I currently am a senior tax associate (8th year) at one of the largest firms in Chicago. It appears my prospects of partnership are very slim. Over the last couple of years, I have taken on some trusts and estates work and have enjoyed it very much. I guess this leaves me with a few questions: Will I be able to find a position in trusts and estates at a comparable firm? If so, how much of a hit will I have to take in class year? Also, at this point in my career, I am amenable to moving to a smaller firm, but how much of a difference in compensation should I expect?

A: The partnership issue you present is one that a number of senior-level associates are faced with,

particularly in the *current legal market*, where competition for partnership slots is fiercely competitive. Many firms have changed their partnership requirements midstream, and many senior-level associates find themselves playing "catch up" or being passed over altogether.

I believe it is quite realistic for you to transition to a trusts and estates (T&E) practice at a comparable firm, assuming the T&E practice at your current firm is highly regarded in the marketplace and mirrors the T&E practice at the firm you are pursuing. Although T&E practices often stand alone, they are often slotted as subgroups under the tax umbrellas in many law firms. T&E attorneys generally need to be well schooled in tax matters, as they are required to provide expert tax advice to high-net worth individuals with very complicated estate plans, which most often require sophisticated tax planning. You have six solid years of training in tax and two years focused in T&E. This argues for any T&E group to take a very strong look at you and argues that you would be able to immediately and significantly contribute to a T&E practice in another law firm. (You will, of course, need to be able to convince a firm of your strong desire to refocus on T&E and be able to effectively answer any questions about why you are deciding to do this eight years into your career.)

Your question about class level is a good one and tells me that you are thinking clearly and realistically about effectively making this transition. As I indicated above, I believe you bring a wealth of experience that naturally translates to a T&E practice. Because it does not sound like you have *portable business* and you have not yet made partner at your current firm, you need to be flexible about the class level at which you would join another firm and remain open to either a mid-level or senior-associate position with a reasonable track for partnership.

If you are concerned about moving to a smaller firm and the effect it will have on your compensation, you should be. If when you say "smaller," you are referring to a mid-sized firm, a sophisticated trusts and estates boutique, or a spin-off group from a larger firm, it is unlikely you will be able to match your current compensation level. You will have to be open to taking a significant cut in pay and perhaps a marked change in the sophistication of practice and clients you will service. You will need to ask yourself why you are seeking to move to a smaller firm and have a clear sense of your long-term objectives. Compensation may not necessarily be the driving force behind your move. You may, for instance, be interested in transitioning to a small firm because you believe a small firm may provide a better lifestyle, a lower billing rate structure that may enable you to more effectively develop your own clients, and/or a more collegial environment. Because you are currently practicing at a prestigious *large firm*, you should seriously weigh the pros and cons of a

move to a small firm and the potential effect it may have on your legal career over the long haul.