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Top 10 Reasons Most General Practice Firms Have No Idea How to Hire and Evaluate Patent Attorneys

Summary: *Patent attorneys are in higher demand in today's technology-driven world, but some firms are still not sure how to hire them.*

Law firms have an excellent business renting out the labor of scientists and engineers, including technical specialists, patent agents, and patent attorneys (who are also scientists and engineers). For the purposes of this article, let's just call these individuals "scientists."

The advent of large (and even small) generalist law firms renting out the work of scientists is a relatively new phenomenon. I've been a legal recruiter most of my career and when I started practicing law over 20 years ago the substantial majority of patent attorneys practiced in small, patent-only law firms that were sort of like "guilds." Some of these guilds are still around. They are not like normal law firms and they are populated by science-types that think and act differently than your average attorney. In fact, patent attorneys are far different than "average" attorneys and law firms need to understand these differences.

Patent-only IP firms and traditional law firms are as different as a science lab is from a college newspaper. They are populated by different people, with different interests and motivations. You simply cannot compare the two. What makes someone "cool" and acceptable in the science lab is going to be something completely different than what makes someone "cool" and acceptable in the college newspaper.

As patents, technology, biotech, pharmaceuticals, telecom, wireless and other science-related disciplines came to dominate the American economy 20 or so years ago, the work that patent attorneys, technical specialists and others do became increasingly in demand



by the clients of major law firms. Moreover, law firms quickly realized that there were fortunes to be made doing patent litigation. Even more than patent prosecution, patent litigation has been a godsend for many law firms. For example, [Quinn Emanuel](#) rose from doing primarily employment litigation 30 years ago to doing contingency patent litigation (in addition to other general commercial litigation work), and now has the second-highest compensated partners of any major firm in the world.

Due to its proximity to Silicon Valley and the profits associated with patent prosecution and litigation, major law firms in the Bay Area began building IP departments in the late 20th century. Other law firms around the country quickly followed suit.

There have been several “merger booms” in the history of the legal profession where law firms absorbed smaller law firms.

In the 1980s when everyone thought Japan was taking over the world, countless New York and other law firms started absorbing law firms in Los Angeles and the Bay Area so they could patch into the predicted “tidal wave” of Pacific Rim work that never came.

Twenty years later, by the late 1990s and into the 2000s, the new “bandwagon” became law firms absorbing patent and IP boutiques all over the country. No guild IP firm was safe from being courted. Firms paid more than necessary to acquire these IP boutiques, and forced them to integrate into a group of attorneys that likely did not understand them—and vice versa.

For their part, the law firms garnered the scientists they needed to make lots of money and service a new sector of the economy. They suddenly had attorneys, patent agents and technical specialists that could understand circuits, biology, radio waves, telecommunications and all the other sorts of disciplines—subjects where 99% of normal attorneys would be lucky to get “Cs” in college.

The patent attorneys suddenly got to be part of the “cool kids club” and associate with the



“big boys” in the legal profession. They finally felt included, and had access to their law firm’s major clients. They also realized that all of the work was gradually moving to larger law firms; larger firms were absorbing their peers who previously worked at small guilds.

But problems soon arose. Very few law firms took the time to understand patent attorneys and why they were different. (Though those that did made, and continue to make, a great deal of money). Instead of understanding why patent attorneys were unique, law firms applied the same measuring sticks to them that they did for normal attorneys. This made it difficult to recruit patent attorneys and retain them. The recruitment and retention of patent attorneys continues to be a profound problem for many firms today.

What is so crazy about all of this, of course, is patent attorneys are primarily scientists, and they are paid to be scientists and technicians inside of law firms. As law firms have ventured into hiring scientists, they often have no idea what they are doing. Consequently they make catastrophically poor decisions and fail to hire talented attorneys due to cultural and other institutional factors they do not understand.

Here are some of the differences between patent attorneys and average attorneys:

- 1. Patent Attorneys Often Do Not Care What Law School They Attend.** Patent attorneys are scientists. They are trained to be scientists and not groomed to look good to law school admission committees composed of liberal academics putting their stamp on the sort of behavior they want to propagate in society. No one teaches patent attorneys that it looks good to open a school in [Burma](#) or write an academic book about why [Lady Gaga](#) is a [Marxist](#) before applying to [Yale Law School](#).

More importantly, law schools admit people based on grades. I’ve seen people major in FASHION at [Florida State](#) and go to top five law schools. Really? Yep! Law schools (almost entirely) admit people based on grades and LSAT scores because it impacts how they are rated by US News and World Report. Getting good grades in chemical engineering or neuroscience is a lot harder than getting good grades in fashion or



English. Consequently scientists get their asses handed to them when they apply to law schools. If someone has good writing ability, or good memorization ability, or takes easy classes, they can get good grades at most colleges. However, do you have any idea how difficult higher-level engineering and science classes are? There are few “blow off” classes; you need to work hard and be extremely talented in math and science to pass these sorts of classes.

Patent attorneys and other scientists are a different sort of intellect. Because they challenged themselves in college, the odds of them getting into a good law school become next to impossible due to the fact they took so many difficult math and science classes.

When I was in college, the only class someone needed to pass to pretty much guarantee they could get into medical school was organic chemistry. I do not know how many smart people drop the ball in this class. I certainly never would have taken it—and even if I managed to pass I am sure the “C” or whatever lousy grade I got would have kept me out of law school. You cannot get into most top law schools if you got even one “C” in college. For science majors, however, this is often unavoidable because the material is so difficult.

Even if a patent attorney somehow had the grades and LSAT score to get into a top law school, as far as they are concerned law school is an “annoyance” and a necessary degree before becoming a law firm patent scientist. Since they are scientists, patent attorneys are often not concerned with the same prestige markers as the average attorney and do not even think about such things.

Local night school close by? No problem! I see countless patent attorneys that could get into schools like [Berkeley](#), [Columbia](#) and so forth but they do not even apply. They somehow got out of [MIT](#), or some other awesome science school they attended, with a 3.8 grade point average in physics and then applied to a local law school. They go to [Case Western](#) or another local school because no one is pushing them



to apply to a good school. They are scientists; many have written academic science papers and they do not hang out with the same “cool kids” that have been gunning to get into the best law school since they were in private high school.

Moreover, many patent attorneys are from foreign countries and English is not their first language. Forced to take the Law School Admissions Test in a foreign language, things often do not go well. Even if a patent attorney is a native English speaker, they are scientists and their skill is math. They are not trained to be excellent readers and this is something that is very important on the LSAT.

How Good Law Firms Use These Differences Related to Patent Attorneys to Succeed: When a company hires a law firm to work on a patent-related issue, the company is generally seeking a scientist to do the work. The fact that the person has a law degree is important for issue spotting, but may not be essential to the job. If the law firm’s client needs someone with wireless technology experience and a degree in electrical engineering, it is ass-backward for the law firm to really care all that much if the person went to a top 20 law school and was Order of the Coif. They are hiring the attorney for another purpose.

I have seen countless pompous firms spend years trying to find a certain type of patent prosecutor (and turning down work and losing millions of dollars of fees in the process) because they were too hung up on the quality of the attorney’s law school. This is ridiculous. Ninety-nine percent of the political science, English and other majors in a law firm could never have passed an advanced science class to begin with. The patent attorney is probably smarter than them anyway, regardless of the law school he or she attended. Just because the attorney was not groomed to attend the best law school does not make his or her skills any less marketable.

Law firms hire people from good law schools because of the law of supply and demand. Also, graduates of good schools are generally likely to be smarter and therefore have the potential to be better attorneys than attorneys from lesser



schools. When it comes to patent attorneys, however, the standards simply do not apply.

There are far fewer patent attorneys than regular attorneys. Thus they should automatically be more in demand—regardless of where they went to school. Profitable law firms understand this and hire them. Stuffy law firms apply the wrong rules and often fail to hire these attorneys or underutilize them.

Patent attorneys are extremely intelligent. The ability to get advanced science and engineering degrees is something very few attorneys could do. The ability to get good grades in these disciplines is also something that is extremely difficult to do. Therefore, patent attorneys generally do not get into good law schools. This is not because they are not smart, but because they took hard classes in college and graduate school.

Even if top law schools wanted to let patent attorneys in without top grades, they cannot: They are ranked based on the grades of the people they admit, and if they don't demand top grades their rankings will fall precipitously. They would rather admit an advertising major with a 4.0 from [Oklahoma State](#) than a physics major from [CalTech](#) with a 3.0 grade point average. The insanity of this should be apparent, but this is how the system works and it is biased against patent attorneys.

- 2. When Patent Attorneys Get into Law School They Often Don't Care About Grades, Journals, Law Review or Any of The Stuff Their Peers Are Likely to Be Interested In.** Patent attorneys are interested in science, engineering and those sorts of things. They may find law school interesting and fun, but their real skill is math and science. Also, because they are scientists and most often not prestige and approval-seeking whores, they are not as concerned about getting into large law firms where great grades are required. They are going to be patent attorneys and their largest concern is generally finding a group of like-minded people who will accept them for what they are.



Whether it is an electrical engineer or a PhD in chemistry, patent attorneys often have some of the worst grades in law school of any sort of attorney. They often get frustrated and depressed because they do not fit in. Sometimes they were patent agents before going to law school, and are working while going to law school because law school is expensive and they can make \$50 or more per hour while they are working and not studying.

Many patent attorneys got a PhD before going to law school and are older and have families. Still other patent attorneys worked as engineers and scientists before going to law school, and now have families and other obligations that take up their time when not in school. Many (not all) future patent attorneys have spouses that are angry at them for going to law school. They resent the three years of income the family is forfeiting, and it is not uncommon for patent attorneys to get divorced or have other serious issues during law school.

How Good Law Firms Use These Differences Related to Patent Attorneys

to Succeed: When a patent attorney is being interviewed and hired by a patent-only “guild” law firm, the guild may not even ask for their law school grades. They only care about the attorney’s science grades in college and in their advanced degrees. If the attorney is a lateral (even 20 years out of school) the firm will want to see this information and even read some of their patents.

Law firms like to evaluate the grades of attorneys because there are only so many attorneys who were able to graduate at the top of their class from major law schools; this accomplishment shows a strong aptitude for the practice of law. In certain disciplines such as litigation, top performance in law school is extremely important because the ability to synthesize information and manipulate verbal facts is subjective, and the smarter and cleverer the attorney’s use of facts and law, the more likely their client is to win. This becomes less important in technical work such as corporate law and real estate law—but is important nevertheless. Grades can also show a level of motivation that is helpful for law firms to see

because the more motivated the attorney, the better they are likely to do.

Despite the importance of grades for most legal disciplines, however, this does not apply to patent law. When a patent attorney starts practicing law they are generally going to be doing engineering and scientific-related work that the average attorney does not even understand. The average attorney would not even understand what the patent attorney's college and graduate student courses were about. The average attorney could not qualify to take the patent bar, much less pass it.

While an extremely poor performance in law school can often be the sign of a lack of motivation, there are often numerous reasons for this poor performance that are unique to patent attorneys (second career, working while in law school, etc.). Grades do not necessarily correlate with the sort of performance the law firm can expect from the attorney when they practice with them.

What is more important for a patent attorney working on pharmaceutical patents: Their grade in constitutional law or their grades in chemistry classes? I hope you know the answer. (As an aside, patent attorneys often HATE constitutional law for some reason and do poorly in it).

Questions surrounding the patent attorney's motivation should also not be an issue. Most patent attorneys are plenty motivated: They went to law school and endured all of this despite the fact they often could have earned just as much money (if not more) by staying in the sciences.

- 3. Patent Attorneys Are Often Older Than Other Attorneys.** As mentioned earlier, the degrees that patent attorneys get prior to going to law school (and the time it takes to get these degrees) often means that future patent attorneys are older by the time they go to law school. Many future patent attorneys are also on their second careers. Thus, it is not uncommon for patent attorneys to start their jobs at the age of 35, 40 or 45.



It is important to understand as well that “age” is something that is often a negative in law firms. Essential to high profits in law firms are young attorneys with the stamina to bill ridiculous hours and keep pushing through no matter what. In many large law firms, it is not uncommon for attorneys to bill 3,500+ hours a year and pull all-nighters frequently.

You need to be young to work this hard, and law firms need young people to drive profits by working this hard. When law firms see older patent attorneys applying for associate level positions they are often turned off. Why would they hire someone who is that much older? What is the point of hiring an older attorney when they are not likely to have the same stamina? Wait, the person is over 40? They are not going to be interested in socializing with us after work!

How Good Law Firms Use These Differences Related to Patent Attorneys to Succeed: Being older means these patent attorneys have families, are less concerned with material success and getting ahead, and are often more careful with their time. In “guild” patent law firms, the attorneys may all bill under 2,000 hours a year; working more hours would be practically unheard of.

But being a patent attorney is not compatible with working this hard. The work is highly cerebral in nature and requires a high level of focus when a patent attorney is working. Patent attorneys spend their time concentrating and not talking on the phone, gossiping, writing, or reading cases with their feet up on a desk. The work is highly technical and billing even 2,000 hours a year as a patent attorney is likely to leave the attorney mentally exhausted at the end of the day. They may even need weekends to recuperate.

Therefore, age should not be used against patent attorneys because they cannot be expected to work the same hours as most attorneys anyway.

Patent attorneys are also often older because they are on second careers. Their



first careers were often as scientists and engineers. This experience gives them further technical grounding that makes them well-suited to working as patent attorneys, relating to clients (who are also likely to be engineers and scientists) and understanding matters from the clients' point of view.

While patent attorneys may be older and not interested in working crazy hours due to this, some attorneys are interested in working crazy hours even when older. It is not fair to apply the same yardstick to patent attorneys that is applied to "normal attorneys" when it comes to the pervasive age discrimination in the legal profession.

4. Patent Attorneys Often Interview Horribly with General Practice Law Firms Because They Are Not the Same Sorts of Attorneys. Many patent attorneys would rather curl up with a good video game at night than a book. Some patent attorneys like to tinker with stuff. All attorneys have outside interests, of course, but the interests of the typical patent attorney tend to be unique—more Dungeons & Dragons and less going to a bar after work. When patent attorneys work with each other they often are intensely focused and organized, and speak to each other in short "clips" compared to other attorneys that enjoy long periods of gossip and argument. Not all patent attorneys are different in these ways, but enough of them are that it is a pattern I have seen throughout my career.

They are often the sort of people that the average person would consider socially awkward—but not always. Patent attorneys are often conflict adverse, and tend to want to confine their arguments to writing and avoid in-person conflict. They may not be interested in business (like a corporate attorney), writing an argument (like a litigator), or transactions (like a real estate or tax attorney). They are primarily scientists.

Patent attorneys often interview horribly and do not connect with more "polished" attorneys in general practice firms. The more polished the law firm, the less likely



the patent attorney is to fit in. Law firms judge the patent attorney's personality by the same standard they apply to other attorneys in the firm. This is not appropriate because the patent attorney is being paid to be a scientist in the law firm and he or she is not like a normal attorney.

After interviewing patent attorneys, law firms will often say, "They're not a fit." Of course they are not a fit! You are trying to hire a scientist to work with a bunch of high-strung litigators. Get over it! You would not expect your doctor to fit in with all of the attorneys in your law firm if you suddenly wanted to hire him as a law firm doctor (so no one had to leave the office to go to the doctor anymore and could just keep working).

How Good Law Firms Use These Differences Related to Patent Attorneys to Succeed: The best law firms know that patent attorneys are scientists and not the same as regular attorneys. They do not expect them to "connect" with every attorney in the firm, or be the sort of person they could have a great time going to a baseball game with. The law firm is hiring a scientist!

While firm culture is important, in the case of hiring a scientist it is more about the quality of work than anything; that is what the law firm should be concerned with. It should be more about "Can they do the work?" and less about "Will they fit in?" Most patent attorneys are not too concerned about whether they fit in anyway! They have not been fitting in with "mainstream" groups since they were young children.

- 5. Patent Attorneys Have Disputes with Each Other and Hold Grudges That Are Often Severe and Difficult for the Average Attorney to Understand.** Patent attorneys have a much higher than normal percentage of disputes with one another. These disputes are such that patent attorneys often "blackball" one another to a degree that is unusual in the legal profession—more so than other attorneys. Other attorneys can behave badly and commit crimes and come back into the good graces of major law firms; however, patent attorneys can piss each other off to such an extent (often for inconsequential reasons) that another patent attorney (or group of



them) will become sworn enemies and do everything within their power to isolate that attorney and prevent them from ever working again. I have no idea why this is, but I see it all the time and it is strange to me.

In most instances when an attorney loses their job with a major law firm, the law firm will simply not talk about it and will give the attorney lukewarm or noncommittal recommendations to others. Not so with patent attorneys. They will literally do everything within their power to isolate enemies and keep them down. I see this so often it makes very little sense to me—but it is unique and when I see a patent attorney who has been unemployed for a long period of time there is generally something like this going on. The “guild” has turned against the patent attorney and is making it difficult for them.

When a law firm learns that an attorney they are interested in has been fired, or (God forbid!) someone steps outside the conventions of the profession and says something bad about them, the law firm tends to back off very quickly and avoid the person like a bad plague. This is generally the rule and there are many reasons for this—often good reasons.

However, when it comes to patent attorneys, in my experience most patent attorneys fire each other, and a good percentage of them have been fired at various points in their careers. I do not understand why this is; it is more common than with other attorneys. What I will say is that scientists (i.e., patent attorneys) do not treat each other very well. Because of this they tend to beat up on each other more than others. This may be something to do with a “lab culture” that demands perfection and harshly punishes a lack of it. I simply do not know. What I do know is patent attorneys treat each other horribly compared to other practice areas.

How Good Law Firms Use These Differences Related to Patent Attorneys to Succeed: You cannot apply the same criteria to scientists as you do to “average” attorneys. When the best law firms hire patent attorneys, they know they are

likely to come with some baggage and this is just par for the course. In most cases, the punishment that patent attorneys inflict upon one another is not at all deserved and something that law firms should take with a grain of salt. The objective of law firms should be to get the work done by people who can do it, without getting involved in the complicated, impossible-to-understand games that scientists play with one another.

- 6. Patent Attorneys Tend to Hold Multiple Jobs in Many Law Firms, Switch Firms Often and Also Have Long Periods of Unemployment on Their Resumes.** After what I have described above, it should not come as a surprise that patent attorneys tend to have a lot of jobs or periods of unemployment. Patent attorneys are difficult to integrate into law firms because firms do not understand them and patent attorneys often treat one another poorly.

Patent attorneys are also scientists working inside of law firms. They are most often not part of the fabric of the law firm and not as concerned with things like making partner or lighting up the world. They want a job and that is it. They are not concerned with long periods of loyalty to the same law firm (but will remain loyal if treated well); their emphasis is instead on the work and the job.

While patent attorneys will happily accept partner titles, they are generally more concerned with steady work than the glory of a title. Because of this, if they feel slighted, or not accepted or well integrated into the law firm, they are going to be more easily lured into going to a new firm. In the patent attorney's world—and in the science world—movement is common. Many patent attorneys are not motivated to develop the bonds that are necessary for someone to make partner. A patent attorney is likely to move if they do not feel accommodated; they do not necessarily move for advancement.

One reason patent attorneys move so often is the fact they often start out in small, low paying firms. Large (high paying) law firms tend to be too concerned with



candidates' grades, age, and quality of law school to hire patent attorneys after graduation. Thus, a patent attorney may start out making very little money, be lured away for \$20,000 more in salary by one firm, then another \$20,000 by a subsequent firm and so forth. After five or six years the attorney may have been at five firms. Is this a bad thing? Not necessarily. The attorney is often improving their income dramatically.

In addition, and more significantly, patent attorneys often move firms when a given firm loses all of its work in a subject matter. A patent attorney may move when the firm loses a client like Samsung. If [Samsung](#) provided all of the firm's wireless patent work, there may be no work left for the attorney at the firm. They may move to a firm that works on [Motorola](#) patents. But that may dry up as well, causing them to move again.

The point is that patent attorneys with a given specialty are often forced to move all the time because the work they do is so specialized that they need to go where the work is. Their plight is much more pronounced than that of a litigator who has the luxury of moving around and doing all different types of litigation.

In recent years, the billing arrangements of patent law firms have also changed a great deal. Many smaller firms have moved from billable hours to fixed fee arrangements. This has driven many patent attorneys to change firms and hop around as their compensation changes.

All of this, of course, also means there are often long, periodic gaps of unemployment on a patent attorney's resume that look bad to law firms. This is the nature of the work patent attorneys do. However, law firms often do not understand this because they are judging the patent attorney with the wrong set of criteria

Even when a patent attorney is unemployed, they are generally getting work from somewhere and staying marginally busy. Clients and companies are smart enough to understand the patent attorney has value even if they are not working.



The patent attorney's unemployment is often caused by technological change, lost clients, crazy co-workers, drastically changing compensation patterns and all sorts of things that the average attorney does not experience. Additionally, patent attorneys consider themselves "workers" and are not necessarily the sort of people who aspire to become partners. An unemployment gap on a patent attorney's resume is often "self imposed" and may exist because the attorney has chosen to leave or left through no fault of their own.

How Good Law Firms Use These Differences Related to Patent Attorneys to Succeed: Unemployment gaps and multiple jobs on the average attorney's resume are something that sets off alarm bells for most law firms evaluating attorneys. Patent attorneys, however, are not like normal attorneys—nor is the work that they do, or their ambitions for the practice of law. Law firms can succeed by being more open-minded about how they hire patent attorneys and realizing that if they have the work, they can create a good environment, be more welcome and convince patent attorneys to stay.

7. Patent Attorneys Often Have Stints as In-house Attorneys. Many prestigious law firms view going in-house as "the kiss of death" and something that relegates attorneys to being permanent second-class citizens. They assume in-house attorneys lack the motivation to do the same level of work as the "big boys" inside of law firms. None of this makes any sense whatsoever when it comes to patent attorneys. Far too few law firms take patent attorneys seriously once they go in-house, when these attorneys could be excellent additions to their law firms.

Again, many patent attorneys are not concerned with the same sorts of things that average attorneys are, such as making partner. As scientists, they are usually not that interested in the "rules of the game" and what is expected of law firm attorneys trying to make partner.

Additionally, patent attorneys often become far better patent attorneys when they

are in-house. While the skills of a litigator or corporate attorney may deteriorate in-house, patent attorneys may be exposed to cutting-edge technologies still in development, and may work on matters just as sophisticated as those inside of a law firm. In-house patent attorneys will also evaluate outside counsel and learn how clients think. On a more fundamental level, if they do a good job in-house they may also gain valuable clients. I know one patent attorney whose first job was in-house and who had several million dollars in business by the time he joined a law firm as a third year attorney.

How Good Law Firms Use These Differences Related to Patent Attorneys

to Succeed: Law firms simply cannot expect to evaluate patent attorneys by the same standards they do normal attorneys. The fact that a “scientist” gets experience working inside of a company is a far different thing than an average attorney who goes inside a company to escape the pressures of a law firm, or, alternatively, get experience that is less sophisticated inside of a company. The experience of most attorneys in-house is generally less demanding and sophisticated compared to a law firm. In contrast, the experience of most in-house patent attorneys is often even more demanding and sophisticated than in a law firm. The reasons for law firms being prejudicial against attorneys who go in-house do not apply to patent attorneys who go in-house.

- 8. Patent Attorneys Often Have Stints as Solo Practitioners.** Because patent attorneys have to switch jobs so regularly—often due to no fault of their own—some of the gaps in their resume also contain work as a solo practitioner. In fact, when many patent attorneys are looking for jobs they often do so as solo practitioners.

Being a solo practitioner is generally a “kiss of death” for attorneys too. It suggests an interest in working alone and not with groups. It suggests a need for control and an inability to cooperate. It suggests you may have been “cast out” of a group and need to do things on your own. It suggests you may not be willing to play by the same rules as attorneys in a group. It may even suggest an interest in not working as hard.

I disagree with many of the criticisms law firms have against solo practitioners; moreover, these criticisms simply don't apply in the same way to patent attorneys. When a patent attorney sets up her own shop, she often does so because she has enough work to stay busy and is confused by the fickle nature of the legal job market—the market that welcomes her one moment, kicks her out the next, and then welcomes her again. Patent attorneys get frustrated by this; rather than deal with the constant rejection and strange attitude of the legal market towards them, they start their own practice.

Most patent attorneys do not want to have their own practice. They do not necessarily have a steady supply of work and they are more interested in predictability, getting access to work, and having others handle management-related functions. They are good fits for a law firm and often do much better in law firms than they ever would on their own.

How Good Law Firms Use These Differences Related to Patent Attorneys to Succeed: The fact that a patent attorney has their own practice does not mean they would not be a good fit for a law firm. They are scientists stuck in a world of humans, and relationships are often not their strong suit. Law firms need to realize that they can take care of these attorneys. The fact that the attorney may have a solo practice does not mean the same thing for them as it does most attorneys.

- 9. Patent Attorneys Tend to Be More Calculating About Not Just Their Work but How They Spend Their Time.** It is not uncommon for patent attorneys with offers from law firms to spend a great deal of time creating spreadsheets comparing the value of one option over another. The length of one commute to work might be assigned a value on a scale of 1 to 10. The salary might be given a different weight of importance; the friendliness of the staff another. Patent attorneys often evaluate offers and firms less on the human component and more on a variety of scientific factors that make little sense to the average person. They tend to be less impulsive and think through things more.



They are often calculating to a humorous extent. One partner I spoke with who was running a small “guild” of about 15 patent attorneys in Palo Alto told me that every attorney in his firm bills 1,750 hours a year. When I asked him what he meant, he said nearly every patent attorney literally bills 1,750 hours—no more or less.

Patent attorneys often do not take offers, or interview well in law firms, because the law firm does not take the time to understand what is important to them. When a patent attorney says something like, “I need Saturdays off,” the patent attorney is likely to view a firm’s unwillingness to accommodate this far differently than the average attorney. As a general rule patent attorneys are much more regimented and inflexible than most attorneys. Therefore, law firms need to understand their “rules” in order to recruit and integrate them.

With the “average” attorney, law firms expect to be able to “lay down the law” and have the attorney do whatever it takes to meet the law firm’s demands. However, patent attorneys are scientists and think like scientists. They are not as concerned with being a partner as other attorneys are. Firms need to understand what is important to them.

How Good Law Firms Use These Differences Related to Patent Attorneys to Succeed: Patent attorneys need to be accommodated more than normal attorneys. The things that matter to a scientist are different than what matters to most attorneys. Law firms need to understand the motivations of their patent attorneys; doing so will help them recruit and retain these attorneys.

Because law firms regularly misunderstand the particular needs of patent attorneys, it should be no surprise that patent attorneys move firms quite often. Smart law firms are able to integrate these attorneys by understanding their needs.

10. Patent Attorneys Are Not as Ambitious as the Average Attorney When It Comes to Money and Prestige. No one ever turns down money—and patent attorneys like to make money—but they tend not to be as interested in money, prestige and taking over the world as other attorneys. Patent attorneys do not show up to interviews with



non-patent attorneys and blow them away with their personalities and motivation. They are simply not interested in the same things as most attorneys.

How Good Law Firms Use These Differences Related to Patent Attorneys to Succeed: Law firms that interview and hire patent attorneys need to understand that scientists value different things than law firms. Patent attorneys are motivated differently.

Conclusions

There is a crisis in how law firms are trying to integrate scientist patent attorneys into their folds. Sadly, the victims of this are often patent attorneys themselves.

When I deal with brilliant patent attorneys I often feel like I am dealing with minorities out of impoverished backgrounds who have been isolated their entire careers from the dominant groups in society. They do not understand the rules of the game. While law firms want to hire them—and need them—law firms are often unwilling to understand the unique sorts of people they are dealing with. Instead of understanding the reasons patent attorneys have difficulty integrating, the law firms reject them and apply rules and standards that are inappropriate.

While there is certainly [class, age and other discrimination in the legal profession](#), the discrimination against patent attorneys seems the strangest of all. Patent attorneys are scientists and scientists are never going to be like normal attorneys. They think differently and have different wants, needs and ways of evaluating one another.

The smartest law firms understand that scientists are not like normal attorneys. Many are making fortunes by accommodating these scientists into their fold. They understand that the rules for evaluating patent attorneys and normal attorneys are simply not the same.

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