



Article of the Week from Harrison Barnes

There Are Only Three Reasons an Attorney Should Ever Switch Law Firms

Summary: *Should you switch law firms? Find out if it's really worth trying to make the move in this article.*

Attorneys make the decision to switch jobs for a variety of reasons.

I have found that many attorneys' reasons for switching jobs are misguided. Out of every 10 attorneys I speak with, I tell four of them that their current situation is just fine—they should stay right where they are. The other six have solid grounds for making a switch. Ultimately, their reasons boil down to the three described in this article.

Here are the three main reasons you should ever switch jobs: (1) you are on the wrong side of the political climate of your office, (2) you do not have access to work, or (3) you can get into a more prestigious law firm (but this is not always a sufficient reason either). There is quite a bit of depth to each of these reasons; they are more fully explored below.

At the outset, I want to make an observation that I hate to make because it is so harsh, but it's true. If you are ever unemployed as an attorney for any length of time, it is exceedingly difficult to get a new job. There are many reasons for this, but the main reasons are that any new law firm reviewing your resume presumes you either (1) could not play political games correctly, or (2) did not have access to work.

See the following articles for more information:

- **[Your Job Is a Game – Make Your Opponents External](#)**
- **[Take this GIFT for Granted and Your Legal Career Will Be Dead](#)**

These “intangibles” operate in the background, determining every attorney's future inside of a law firm and ultimately governing what happens in their careers. If an attorney does not do these things well, the presumption is they will not succeed in their next law firm. When evaluating your



candidacy as a lateral hire, law firms judge whether or not you are currently employed and ask a bunch of questions in your interview about how busy you are. (You should always be busy).

This is how the profession works. Yet, incredibly, many senior partners and most associates never fully grasp the importance of access to work and navigating firm politics. This is why most attorneys do not succeed in large law firms.

Law firms (and the rest of the world) always seem to cheer for the attorney who is trying to move up and get into a more prestigious or larger law firm. Attorneys who are motivated to constantly challenge themselves and push themselves to get better are always respected by future employers. You should always try to improve and advance.

See the following articles for more information:

- [**The #1 Attorney Career Killer That Attorneys Are Never Taught**](#)
- [**Never Stop Improving**](#)
- [**Never Stop Growing**](#)

1. Political Reasons: The Tide of Opinion in the Office is Against You and You Are Not Part of the “Group”

In most law firms there are individuals with lots of business and power. The individuals close to these powerhouses derive their strength from this. If you are part of a group with lots of business and power the following happens:

- **You can advance and make partner without any business.** People with power surround themselves with allies. The people in power want to be around those who support them, make them feel good and show they can be trusted.
- **You will be protected during layoffs and recessions.** The people who lose their jobs during recessions are generally those who do not have strong enough political allies. If you have powerful allies, they will generally protect you during recessions and your job will be spared if at all possible.
- **You will have consistent access to work.** Some allegiances are strong. Parents always feed their children and countries always feed and pay their armies. Similarly, work goes to



the people who are closest to the rainmakers. Those in power give work to their allies first and foremost.

- **You will learn how to get business.** If attorneys with business are supporting you, they will also teach you how to get business yourself, or you will pick it up from watching how they behave around existing and prospective clients. Being around those with business will help you develop your own rainmaking skills and advance within the firm.
- **You will have the option of moving to new firms.** If you are close to powerful people with business, they will probably bring you along if they switch firms for some reason. I see attorneys with moves on their resumes all the time because someone in power brought them along. Those with business and power always want to bring allies to be their eyes and ears and support them at their new law firm.
- **You will be privy to important information that can protect your career.** Those in power will often share important information with attorneys close to them. Insider information can help an attorney avoid certain people or matters or get close to certain people and matters—or know when and when not to look for a job.
- **You will be given business as a partner.** Most partners in major American law firms are close to other partners with major clients. The partners with major clients keep those without clients busy. If you do not have business as a partner, nothing is more important than staying close to the right people.

Sometimes there is only “one” powerful person with all of the business, and everyone tries to get close to him or her. Other times there are several of these people or even groups of these people—some more powerful than others. You need to be part of the most powerful tribe you can. This will help you be a better lawyer and have a stronger career.

The people with the power in any legal office generally control things such as who makes partner, who gets the most compensation as a partner, who gets laid off during recessions and who advances. If you are not part of this group, or if these people are against you and you can’t rectify the situation, then you are generally going to have a very difficult time advancing.

It is not always easy to spot who is in power inside of a law firm; however, the longer you are at the firm, the more you will be able to identify these people. These people sometimes even operate in the background, affecting the future of everyone else in the firm.



I was a summer associate inside of a law firm in New York when a partner I had never seen suddenly appeared in front of me at a cocktail party.

“Are you enjoying getting experience?” he asked me.

“Yes,” I said.

“Good. Because that is why we have brought you here for the summer. We want you to get experience.”

He then disappeared as quickly as he had shown up. It gave me a strange feeling at the time. I felt like what he was saying was, “I hope you are enjoying all the money we are spending on you.” It was unsettling and did not feel good—even though he seemed somewhat friendly when he said it.

Later that summer I learned the law firm had wanted to cancel the summer program because things were slow. Years later I realized the man I spoke with was the most powerful partner in the firm—a guy with \$30+ million in business. What he was saying, in effect, was, “I hope you are enjoying the money I am spending on you. You’d better at least be getting some good experience that will make you valuable to me later.” He was clearly not too happy to be largely footing the bill for the summer program.

A few years after law school I joined a different New York-based law firm. The associates I met all spoke of “working there a few years” and then going to a new firm. I really didn’t understand this at the time and it didn’t make a ton of sense. It seemed to me that the pay was good and the firm was well-respected, so why not stick around?

I later learned most young associates in these large law firms are harshly reviewed early in their careers. They make mistakes and this makes them stronger and better attorneys. In the course of being trained, however, many associates also make a ton of mistakes and get a reputation for being less-than-stellar. In large law firms in New York and other cities, being stellar is the only option if you ever hope to advance.

Instead of taking their chances somewhere where they are considered less-than-stellar, many associates pick up and move to another firm. This is a positive move in some cases. You can



literally improve your career by moving because you start at a new firm with a “fresh slate.” This new start gives you the opportunity to build a new reputation and impress those in power.

See the following articles for more information:

- **[Top 10 Ways Attorneys Can Move to a Better Law Firm and Get a Better Attorney Job](#)**
- **[Firm Hopping](#)**
- **[Make a Lateral Move Wisely, Infrequently and with Good Reason](#)**

One of the reasons young attorneys often move firms two or three times before they find a home—whether they are doing it consciously or not—is they are not part of any group that is going to protect them. Young attorneys are learning on the job and they enter their jobs not knowing what they should be doing. Just as important as the quality of work an attorney does and the number of hours they bill are their political skills. This is also important for more senior attorneys as well. Senior attorneys in a situation where the political tide has turned against them are often far better switching to a new firm than staying where they currently are.

As a preliminary matter it is important to note that the talk about hours, political skills and so forth is all premised on “being close” to the people with the most work. The people with the most work and clients are generally the ones that control what happens in a law firm. If you have business, you are generating money to support the law firm. The attorney with business is like the “King” and everyone is currying to be near him, influence him and receive favors and gifts from the King.

Regardless of how you are regarded politically, impressing a King within a firm is one of the most important things you can do. I know an attorney who spent nine years in a large law firm toiling somewhat anonymously in his office, churning out briefs and arguing relatively unimportant motions for superiors. By a series of events, he somehow made it onto a trial team with a colleague with tens of millions of dollars in business who is one of the more well-known litigators in the United States. For six weeks the two of them worked out of a hotel in a small Midwestern town. The associate tirelessly worked on briefings, anticipated when the partner wanted a cup of coffee, discussed trial strategy and witnesses with the partner every night and gave the case his all.

It was the smartest thing the associate could have done. A few weeks after returning to the firm’s main office, the partnership voted on new partners. Suddenly someone who was poised



to wander off in-house or maybe become “of counsel” was nominated for partnership and championed by the most powerful partner in the law firm. Of course everyone wants to do what the King wants, so the young attorney made partner and succeeded because he impressed the King.

For most attorneys, though, if you are an anonymous worker drone inside of a law firm not much will ever happen to you. You are like a cow sitting out to pasture, helplessly waiting to be slaughtered. You are eating the grass—but you are going to die eventually. The only way to rise above all of this is to understand that you need to get in with the right people, play the right political games and not do anything to doom you politically. Here are the political mistakes you must avoid at all cost:

a. Don’t make careless technical mistakes that look bad to those in power.

Attorneys often make mistakes early in their careers (or even later) that literally destroy their options with a given firm and undermine the trust that others have in them. In some cases, it could be filing a wrong document, failing to file a given document, or giving a client completely wrong advice. In other instances it could be forgetting about an assignment or doing something late. When this occurs, the tide of an entire office can turn against an attorney.

Due to the highly technical nature of being a patent attorney and the many mistakes that can be made in scientific equations and analysis, it is exceedingly common to see patent attorneys jump around from firm to firm when the tide of one office turns against them. The mistakes are never discussed (to do so would make the firm and attorney look bad), but they often result in patent attorneys being “blackballed” inside of law firms.

Litigators often forget to file a certain document or file something late. Even the best litigators on the verge of making partner in a large law firm will be “frozen out” and lose their jobs if they make a serious mistake.

Once those in power look down on an attorney for making a mistake, recovery is often difficult—or even impossible (depending on economic conditions and how much work the firm needs done). Attorneys then make the decision to look at new law firms.

- See [Top 5 Tips for Attorneys Who Make Mistakes](#) for more information.



b. Don't Make a Careless Remark.

Attorneys make careless remarks all the time that “reveal their cards” and permanently get them politically blackballed or even forced out of the firm. Careless remarks include things such as:

- “That’s administrative work; can’t you have someone else do it?”
- “I’m not comfortable working on Saturday/Sunday.”
- “This is the sort of work I did as a junior associate, isn’t there someone else that can do it?”

Anything that shows a lack of commitment will be met harshly and severely. In fact, even one remark like this will often doom an attorney as someone who cannot step up and get things done when someone is counting on them. Even your facial expressions, body language, sighs and so forth are something that can be taken the wrong way.

Law firms (and higher-ups bringing in the work) believe that work is a privilege and having work is something attorneys should respect and want to do—the more work the better. Work helps you bill additional hours, helps the tribe succeed, and allows everyone to advance. If you turn away and/or avoid work it’s not looked upon kindly.

Other types of careless remarks include saying something negative about a powerful superior, making a racist or sexist remark to the wrong person and so forth. These sorts of mistakes have devastating consequences if they get back to the wrong people, and can negatively impact on an attorney’s career.

You need to watch your mouth and be careful about the things you say. Words have power and can cast a negative light over you, often instantly and permanently.

- **See [What Did You Say? Six Things You Should Never Say to Your Boss](#) for more information.**

c. Don't choose the wrong friends.

From a political standpoint, the smartest attorneys are generally cordial but careful about choosing friends when they get into any new situation. In fact, politics in law firms can be so



dicey and fluid that the smartest, most political attorneys often keep their distance, acting friendly with people but avoiding “alliances” for years! This is often the right way to go because choosing the wrong friends can be a real mistake inside of a law firm.

The calculus is pretty simple. If you are friends with someone inside of a law firm that is pissing off those in power, is making trouble and is seen in the wrong way, you too are going to be “guilty by association”—especially if you are not well-known to those in power. Therefore, your job inside of a law firm is to keep your nose clean, be careful about firm alliances and be nice and friendly to as many people as possible without overcommitting.

When you are close to the wrong people they will constantly want to share their negative opinions about the firm and job with you, complaining about what an awful place the organization is (despite the fact it has been around for decades and will likely still be functioning when they die). These opinions will eventually rub off on you, start depressing you and make you believe you are in the wrong place. You will think it—and if you think it (even if you do not say anything), you will show it in the office.

People are “tribal” animals, and the last thing you want to do is be associated with the wrong tribe. Law firms expel those who are antagonistic to their interest of survival and making money; this is how all economic units and groups work. Your job is to avoid association with these groups if you want to survive in your current firm. Nevertheless, these are the same sorts of groups that may leave to join a new firm, form their own firm, or help your career in other ways. Your job is to be as smart as possible and choose groups wisely.

See the following articles for more information:

- **[The People You Work and Associate with Can Either Make or Break You](#)**
- **[Surround Yourself with Positive People](#)**
- **[The Focus of the Group You Are in Determines the Kind of Person You Become](#)**

d. Don't avoid billing.

Some attorneys get a reputation for working hard and others get a reputation for finding solutions quickly and not billing a lot of hours. In many law firms, there are certain clients and matters that



partners always want a lot of work done on, where associates can bill a ton of hours. If you do not bill a ton of hours then the partner makes less money and is unhappy.

When I was a young associate I worked on behalf of a Middle Eastern “monarch” and also on behalf of a billionaire deposed dictator/president of an Asian nation. I was the third associate to work for the powerful partner that represented these people. These clients had no care in the world monetarily. One was in a dispute with a perfume designer who received \$8,000,000 to design a personal fragrance for his family. Another was in a dispute over \$500,000,000 he had stashed in a Swiss bank. These people made more money in interest on their billions each hour than a team of attorneys could possibly bill in a day.

When I started working for the partner I quickly picked up that the two associates who had done work before me had gotten into trouble. The previous associates had found a lot of the work “unnecessary” and told the partner as much. In response, the partner had stopped giving them work—and so had all the other partners in the firm. One literally spent six months with no work before he got the message and started looking for a new job.

When I was assigned to the matter I was tasked with writing an incessant number of memos. I was encouraged to stay late and work weekends on these memos, and it involved tons and tons of busy work. I wrote memos on the Federal Rules of Civil Procedure that were so routine I felt like I was basically rewording what was written in various treatises. I then turned in these memos and was given additional memos to write. I followed instructions and billed 70+ hours a week writing these memos. I did this for weeks on end. Then one night at about 9:00 p.m., while I was writing one of these memos, the partner stopped by my office and in his own way told me I was doing a good job:

“You’re a good soldier,” he said. “I need a soldier and you are being a good soldier.”

What he meant, of course, was that I was billing and doing what was asked of me. It made no difference that I could pull out a treatise and answer his various questions in minutes instead of hours. He wanted the memos and he wanted me to bill. Perhaps the billionaire dictators wanted to see a bunch of memos, or perhaps he needed to cover his ass for every move because that was what the handlers of the billionaire dictators required. Who knows? It was really none of my business.



The point is I saved my job and got into the good graces of this partner because I did what I was told. He respected me so much he hired me years later to be his recruiter when he moved firms. You need to do what is expected of you. If you are under the impression that lots of billing is expected or required, that is what you need to do. Your job is to follow orders, do the best possible job and bring in the money.

I've seen many associates get 100% frozen out by calling their superiors "unethical" for asking for too much work. Law is a business. You earn political points and stay in the good graces of the right people by billing as many hours as expected, when expected.

- **See [Do and Give More Than Is Expected of You](#) for more information.**

e. Pick an "in" tribe.

If you choose to align yourself with a given group, make sure you pick the right group.

Sometimes the group you choose may be one or more partners that do work for a certain type of client, or even one client. If they lose that client or the client(s) go out of business, this can have serious repercussions for the partners in power. The tribe no longer has access to business; without access to work it is in trouble.

To stay safe politically, an attorney needs to be part of more than one tribe, or part of a tribe that has access to more than one line of business (i.e., several clients). There is no other way.

In addition, there are different tribes within most law firms—some more powerful than others. One tribe with the most business may want for whatever reasons (fewer client conflicts, animosity towards other powerful members of another tribe) to push another tribe out of the firm. In this sort of situation, being part of the wrong tribe can also have devastating consequences for your career.

f. Avoid getting involved in a practice area that does not generate much money for the firm or is on its way out.

The first firm I joined out of law school started out primarily as an employment law firm, but became a commercial and intellectual property firm by the time I joined. The problem with employment litigation and counseling is attorneys cannot bill as much doing this sort of work. As



the law firm grew and partners started making a lot of money doing commercial litigation, they suddenly told the employment attorneys they could no longer do this sort of work unless they billed more money to their clients. The employment attorneys were thus in the situation where their only option was either to leave the law firm or stop doing employment litigation and hope they could find other work. Most of these attorneys ended up leaving the firm because they had no choice.

Law firms are continuously discarding attorneys in practice areas they now consider “beneath” them—even if they used that practice area to build the law firm initially. Practice areas that are constantly at risk of being eliminated (and the attorneys thrown out with them) include:

- **Trust and estates:** Often attorneys cannot command a high rate for this type of work.
- **Patent prosecution:** A lot of patent prosecution is “flat fee” work, and there is a tremendous amount of competition in the patent space. Much of the work is now shipped overseas to India, China, Korea and other areas to cut costs. Attorneys in the United States then sign off on the foreign attorneys’ work. Consequently, there is not as much money in patent prosecution as before. Patent litigation is more profitable.
- **Trademark law:** A lot of trademark work is also routine. This pushes down the bills.
- **Immigration law:** “Flat fee work” is common in immigration law, and many clients cannot afford to pay much. Some companies and firms bring in programmers and other contractors from overseas to fill out visas and take care of routine paperwork. There are a lot of attorneys willing to do this administrative legal work, which pushes down the rates.
- **Employment litigation and counseling:** Companies like [Walgreens](#) constantly face labor and employment suits from disgruntled cashiers and low-level people. The cases are so similar the work becomes routine. This pushes down the rates that firms can charge.
- **Family law:** Many clients cannot afford to pay their family lawyers much. Family lawyers often face difficulties collecting on their bills, and are constantly competing with lower-charging attorneys.
- **Bankruptcy:** The amount of available bankruptcy work fluctuates widely. While bankruptcy work for major companies is complex, lower level bankruptcy work is often routine and formulaic. This pushes the rates down.

Many practice areas are constantly at risk in large law firms. When a company is in serious



trouble or is trying to get a major deal done, it hires the best litigators or corporate attorneys it can find, regardless of how much it costs. For routine work, average attorneys can be used and money can be saved. It is always important for an attorney to understand where her practice area is in terms of the political makeup and economic hierarchy of the law firm.

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The reason that these sorts of mistakes are often “fatal” is because young attorneys do not yet have any political capital. Without political capital it is often difficult for them to recover. Political capital can often be recovered in many large law firms by doing the things that law firms value most—working an incredible number of hours, bringing in business or doing outstanding work—but it is not easy. In a politically-charged environment with all sorts of rules—including rules that are often subtle, if not invisible to most people—attorneys often have no choice but to work as hard as possible to get into the right social environment.

The rules of a law firm are difficult to understand for young attorneys, and can turn against older attorneys quickly. If you are not part of the right group inside the firm the best choice is often to leave. In fact, because young associates make so many mistakes, understand so little of what is going on and often find themselves in the wrong group, the best choice is often to leave. When you see partners inside a law firm in trouble and without any business, they are often in a situation where they too may be isolated and not getting work for higher-ups or clients. Ultimately, much of what is going on inside of law firms is political, and the political game is something that makes attorneys leave.

- **See [Why You Should Quit Practicing Law](#) for more information.**

If the political tide of the law firm is against you and you do not believe it is fixable, you should look for a new job. If the political tide is in your favor—and possibly even improving—you should stay.

A final option in terms of the political tide of a law firm is that you are completely clueless. Perhaps you are just some nameless drone coming to work and leaving each day. This is quite common. Unfortunately, most attorneys cannot go on like this forever. While you may land an “of counsel” or similar role if your work is good enough, further advancement will ultimately depend on forming more powerful alliances. Of course, maybe advancement isn’t even something you’re



interested in; if it is not, you may be perfectly happy never getting involved in any of the political games of the office.

- **See [Four Union-Like Rules of All Law Firms You Need to Know About](#) for more information.**

2. You Do Not Have Access to Work

Access to work is the most important thing you need in any law firm. There is nothing more important than access to work. Without access to work, you cannot bill enough hours, and if you cannot bill enough hours you will not be able to keep your job. Incredibly, I have seen major law firms work associates to death and have them bill numerous 3,000+ hour years in a row doing deals or working on large cases. Suddenly the work slows down and the associate spends six months on track to only bill 1,500 hours for the year. Then the law firm fires them for not having enough work to do. There is no appreciation or calculation for the years of superhuman billing. The work slows down and the associate is fired.

If you do not have enough work to do, you will almost always lose your job. There is no question about it. Whether you are a partner or an associate, if your work slows down you are in danger of losing your job. Law firms are happy to make lots and lots of money off you, but the second it looks like they are losing even a little most law firms toss you on the street.

Associates, partners and others call me all the time looking for new jobs. My first question is always about how busy they are. Then I ask about the political situation in their office. Many times the political situation is fixable, but getting access to work may not be. There are several reasons you may not have access to work inside a law firm:

a. Political.

For the reasons discussed above, the political tide of the office may be against you. You may receive very little work or be frozen out completely. If this is the case, you should fix the political issues if they are fixable. Otherwise, you should leave.

b. Structural (Problems with the Law Firm).

The law firm may be doing a variety of things that are preventing it from getting work.



- **It may be overpricing its services.** Many partners leave law firms because the billing rates get so high it becomes exceedingly difficult for them to generate more business. Law firms often retard their growth by having billing rates that are far too high. This affects partners, associates and others who don't have enough to do after clients start getting scared off by the high fees. Many satellite offices of national law firms are dangerous places to go. Firms open offices in smaller cities, but clients in those areas often refuse to pay their rates because they're higher than others in the area. These offices then find themselves without work; associates who join them thinking they are going to have careers with major law firms find themselves quickly unemployed because there is no work.
- **It may have a partner compensation structure that is driving away those with business.** Partners with business generally want to work in firms where they can make the most money. While there are lot of factors that go into an individual partner's calculation of the best place to be (availability of other practice areas to send work, quality of associates and support staff, number of offices, the firm's reputation), ultimately most partners are motivated by money. Many firms will play with formulas for compensating partners. But if they play with this too much, partners with business will start leaving. This means there is less work to do for everyone else.
- **It may be emphasizing the wrong practice areas (or have emphasized the wrong practice area in the past).** Certain law firms may over-hire in some practice areas when business is good. For example, corporate hiring may pick up when the economy is good. If you join one of these firms and then the practice area slows down, you will often be completely out of luck and need to find a new job. In corporate and real estate, it can often take firms years to recover during a recession. If many litigation cases settle at the same time, a law firm may even go out of business.
- **The law firm may be the product of a merger (or series of mergers) that have left it disjointed, confused and functioning as a set of separate "tribes" that are fighting and not doing well.** This is far too complex of a situation to discuss in a lot of detail; however, sometimes firms become fractured and disjointed. They can become so prone to infighting that small groups of people hoard the work. This often happens for minute and crazy reasons that are nearly impossible to understand. In these sorts of situations, an associate or partner without a lot of business may suddenly find himself in the midst of a guerilla war with too many sides to keep track of. At that point, it is time to leave. (**[See Should I Stay or Should I Go: What Should Partners Do When Their Firm Merges With Another Firm?](#)** for more information.)



- **The law firm may have over-hired.** Law firms may simply over-hire for the wrong reasons and not have enough work available.
- **The law firm may be too top-heavy or bottom-heavy.** The law firm may have too many people at the wrong levels. If you are one of too many junior associates or senior associates, there may not be enough work to go around at your level.
- **The law firm may have lost an important client (or multiple clients).** If law firms are overly dependent on one or more clients, the loss of those clients can have devastating consequences.
- **The economy may be in a recession.** When there are recessions attorneys generally need to move fairly quickly to find new positions if the work is too slow at their existing firm. One nice thing about recessions is that there is always work—it is just not always being done by the largest and most successful firms. Our recruiting firm has had some of its best years ever moving associates to smaller and midsized firms outside of major markets when the economy slows. Companies generally save money during recessions by sending work to smaller law firms.

c. Problems with Your Seniority Level

As attorneys get more senior, their billing rates increase and get very close to what partners charge. Clients would prefer to have partners do the same work, and partners would prefer to do the higher hourly rate work themselves because they make more money on their own billables. Thus, a law firm may simply not have enough work for high-billing senior associates, partners without business, or counsel types. The legal landscape contains tens of thousands of attorneys in this situation. Their options are generally quite limited if they stop getting work in their existing firm.

Regardless of why you or your law firm do not have a lot of work, it's not something you should spend a lot of time thinking about. If you are slow for more than a few months, your future will be at risk and you need to keep your options open.

The most important thing for any attorney is to constantly have access to work. During slow times, the attorneys who survive will generally do whatever it takes to seek out those in the firm with work or bring in additional work from clients—or even “make work” to be done, as described below. An attorney's skill often lies in her ability to find work that needs to be done rather than just blindly following orders when asked to do a certain project.



- **See [To Succeed in Any Job You Need to Create Work](#) for more information.**

Every successful business identifies a need in the market and sets out to fulfill that need. Whether it is a computer program, a web service, a new type of kitchen appliance, a new book about something or a television show, every successful person and company “creates work” to be done. The best attorney convinces clients and partners that a certain type of work needs to be done for the client. This keeps everyone busy.

There is always work to be done. One reason that law firms look so poorly on attorneys who lose their jobs for not having enough work is because the attorneys who do not have enough work are often seen as not being proactive enough to get work from others in the firm and from clients. The best attorneys know how to get clients and create work.

I will never forget going to the graduation party of one of my friends in high school. His father was an attorney who had gone to a fourth-tier law school and ran his own solo practice law firm. He did very well and the party was in a huge, modern house that he had just built on a lake. The attorney represented petty criminals, divorcing couples and people with traffic tickets. Notwithstanding the nature of his work, he made a lot of money.

I had received a traffic ticket and decided to speak with him about this. I told him about the ticket and he launched into a frightening monologue telling me I needed an attorney, it was very serious and he needed to do some research. Under no circumstances should I pay the ticket because it could have dire consequences on my insurance rates, and I did not need this on my driving record. Thinking I must be from a wealthy family, he asked me for my parents’ phone number. He told me he needed to call them and that he would “take care of it.”

In reality, the ticket was not serious. I went to court, the officer who caught me speeding did not show up and the ticket was dismissed. Nevertheless, the reason this attorney was so successful even doing little cases was he created as much work as possible every chance he got. He frightened the hell out of me and I was left with the impression I needed the best attorney possible representing me. After our conversation, I was ready to sit my parents down and tell them I needed a retainer of a few thousand dollars.

Law firms want attorneys who know how to create work. It is very important.



That is why the partner at the one firm had me write all sorts of memos for him about various topics. He was creating work. Creating work gives people access to work. All work needs to be created and all attorneys need to know how to create work to be successful.

- See **Top 9 Ways for Any Attorney to Generate a Ton of Business** for more information.

Attorneys who do well find projects and additional work to be done for those they are working for—whether it is a partner or a client. They are constantly finding new angles and new types of work to be done on each matter that is presented. Ultimately, the more closely an attorney or group of attorneys looks at an issue the more likely they will be to win in any negotiation, case, or deal. The best attorneys and the largest law firms look at all matters they are working on more closely than their competitors. The best attorneys and firms provide more expensive services, but ultimately their efforts to create work provide clients with better service and more wins. The attorney who had me write all those memos never lost a case in his career.

You need to stay busy and you need to create work. If you ultimately can't do these things, it is generally time to leave your firm and find a place with work.

3. You Can Get into a More Prestigious Law Firm

When you are in law school, the only method law firms have to evaluate you and distinguish you from the mass of other attorneys applying to them is essentially (1) your law school and (2) your grades there. This will ultimately determine where you end up.

After you have been out for a few years, things like your practice area and experience become more important. Once this occurs, you may find yourself suddenly marketable to large law firms in major cities, when you were not before. The ability to go from a small or mid-sized law firm to a major American law firm has all sorts of advantages:

- **You will get access to more important work on behalf of larger clients.** Large law firms get work on behalf of the largest clients. The most important work in the country goes to large law firms in large cities. To get access to headline-making work, an attorney often needs to be with a large law firm in a large city. If you want to do IPOs and other sorts of important work, you generally need to be with an important law firm.



- **The quality of work expected will often be higher and greater and your skills will develop more.** Large law firms can charge a lot more money and get work on behalf of larger clients because what is acceptable in lesser law firms is generally not acceptable there. Large law firms require a high degree of perfection in terms of analysis and attention to detail. They often have multiple layers of attorneys and others reviewing work. You learn to be sharper, more detail oriented and harder-working on matters in a large law firm because the clients of these law firms are more than willing to pay for this—and expect it.
- **You will be practicing around more motivated and competitive attorneys—and will learn to play more advanced political games.** Large law firms have competitive and motivated attorneys and attract the best. The highest-performing attorneys with the best social skills and educational pedigrees are the ones who most proportionately end up in the largest law firms (compared to the smaller ones). This means that when you are surrounded by these attorneys you will pick up their ways of thinking about issues and approaching situations and you will become more like them. This is something that will help you. You will also understand complex political and other dynamics that will serve you well throughout your career.
- **You will gain a “pedigree” that will make it easier for you to move to another larger law firm in the future.** The most important credential for law firms hiring laterally is the quality of the law firm you are coming from—not where you went to law school. The reason for this is because the law firm you are with will shape your work habits and your approach to issues. They will have trained you politically and as a lawyer—much more than a law school ever could. You will also be exposed to larger clients and the sort of work that other large law firms do. Large law firms prefer to hire attorneys from other large law firms—the more prestigious the law firm the better.
- **You will gain new contacts and have new experiences you might not have in a smaller firm.** Attorneys from large law firms are typically from major law schools and have a pattern of achievement that puts them on an upward track. These attorneys will go into important positions in firms, major corporations, and the government. They will be part of a network that can advance your career as you move forward. You are likely to meet more of these people in large, prestigious law firms than you are in smaller firms.
- **You can generally move back to a smaller law firm later and your experience in a major law firm will be valued more highly then.** The small law firm values people with large law firm training (just as large law firms do). If you move to a large law firm and get



exposure to sophisticated training and deals, small law firms will find you quite attractive. There is nothing wrong with getting high-level training, practicing at a high level and then using your experience in a smaller law firm later. You will be more adept politically and also probably more detail-oriented if you practice at a large firm before returning to a smaller one.

- **You will usually make much more money (sometimes even TRIPLE what you were previously making).** An attorney in a larger law firm may make significantly more than an attorney in a small firm. This money goes a long way for saving, paying off student loans, or qualifying for a mortgage.
- **You will have the opportunity to go in house with a much larger variety of companies.** Large law firms often place their own attorneys in house so they have allies there. Additionally, corporations want to hire attorneys from the most prestigious law firms to [work as in-house counsel](#) because they believe these attorneys have better training and represent a better economic deal. (They are getting the services of an attorney from a name brand firm like [Skadden Arps](#) for a low price compared to what they would have to pay per hour for the same attorney through their old firm). Companies prefer to hire in-house attorneys from the most prestigious firms that they can.
- **You will have a “pedigree” that will potentially enable you to work internationally, or have a “credential” that will open other career possibilities for you.** If an attorney wants to work internationally, they generally need to have experience working for a major, name brand law firm. Law firms in other countries only recognize the big names. Additionally, a big name enables you to have access to a variety of opportunities with government, nonprofit and other organizations that would otherwise not be available to you.
- **Working for a major law firm will enable you to bring in bigger “brand name” clients because they typically want to have work done by larger “brand name” law firms.** Large, prestigious companies almost always hire the most prestigious and well-known law firms they can for various matters. They do this because the name of the law firm connotes power and quality, and reflects how seriously the company takes itself and its legal matters. Large, successful companies pay for the security of a law firm’s name and reputation. When you are with a large, prestigious law firm you will have the opportunity to bring in major, brand-name clients who wouldn’t give you a second look if you were at a smaller firm.

Many attorneys in practice areas such as real estate, corporate, patent, tax, ERISA and others start out in small law firms and end up moving to major American law firms despite not having



attended the best law schools or gotten the best grades. I literally see this all the time. It can be an outstanding career move for the attorneys who take these jobs.

There are also drawbacks of course such as longer hours, the difficulty of making partner, the increased likelihood of losing your job and more. Every attorney needs to make this calculus. What I have seen in my career, though, is that most attorneys will jump at the chance to move to a prestigious law firm when the opportunity presents itself. The more specialized your practice area, the fewer attorneys like you there will be, increasing the odds of moving to a larger, more prestigious firm.

Conclusions

If the political tide of your law firm turns against you and it is not fixable, or if you do not have access to work for a prolonged period, it is generally time for you to find a new law firm, no question about it. On the flipside, if the political tide of the firm is in your favor, or even neutral, and you have access to work, you should stay at your current firm. The one exception is if you can get into a more prestigious firm.

Attorneys with access to lots of work generally have at least six months of employment security in front of them at all points in time. If you suddenly run out of work, or it slows down dramatically and this drags on more than three or four months—or looks like it will—you'd better start looking for a job and fast.

The politics of any law firm are difficult to understand. It can take attorneys months (or years) after leaving a law firm to understand what they did wrong or how political forces were operating against them. Nevertheless, if you are in a political situation and you feel it is fatal, then it probably is and you should go.

Finally, while there are real advantages to moving to a more prestigious law firm, it is not without risk. If you believe you are in a situation to move to a more prestigious law firm it is generally something that is recommended because the advantages generally outweigh the disadvantages. Law firms and the rest of the world always respect those who are trying to improve themselves and move up.

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