



ATTORNEY SEARCH

*The Standard in Attorney  
Search and Placement*

## *Article of the Week from Harrison Barnes*

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### ***State of the American Legal Job Market 2016***

Through the process of working with thousands of attorneys and law firms each year, BCG recruiters are able to gain a profound understanding of the legal market and insight into trends in demand for trained, lateral attorneys in the various practice areas. This article provides our perspective on the state of the American legal job market as we enter 2016.

I run a national legal recruiting firm with recruiters reporting to me from all over the United States. I manage these recruiters and also am a legal recruiter myself – the only recruiter in our company who recruits nationally and works with attorneys all over the United States. For all of 2016, with the exception of a three-week summer vacation, I recruited from 7:00 am to 7:00 pm every workday and spoke with thousands of attorneys. I also spent each Sunday writing articles based on my observations from the past week.

Frankly, I love recruiting and am extremely dedicated to it. I am deeply invested in this profession and my observations come from the vantage point of someone who has thrown himself into this completely. When I am working full-time, I typically make at least one placement per week and have multiple people interviewing most days. BCG's other recruiters also are very busy and make placements each week as well. BCG as a company typically makes at least one placement per day. I closely monitor everything that happens in our company and with our candidates and pay close attention to what law firms will pay in every type of market.

I also operate a legal job site, [LawCrossing](http://LawCrossing.com), which monitors the hiring needs of every law firm and corporation in the United States. This company has over 100 employees and is the most trafficked legal job site in the world. This gives me unique insight into the legal market as well because I can see the openings, demand from employers and demand from job seekers at all levels.

As a general matter, I do not spend a lot of time attending conferences, giving talks, and writing papers because most of my time is consumed by recruiting. Just like a doctor is available at all times for his or her patients, as a legal recruiter, I am available at all times for my candidates. Nevertheless, as a result of my work, I am in the center of things relating to the legal market and I truly believe I have a solid understanding of the state of that market. In order to share this information with those



who can benefit from it, I make the time to write articles and reports such as this one.

### **Law Firm Hiring Paradigms and the Market**

How does one assess the strength of the legal market? **You can tell the strength of the legal market based on how often law firms step outside of the general paradigm.**

The general paradigm for lateral law firm hiring has a few simple rules. Generally, law firms want to hire employed attorneys coming:

- from top law firms,
- that have one to six years of experience and strong academic qualifications.

Ideally, also law firms want the attorney:

- to have some sort of ties to the area,
- have passed the bar exam,
- appear stable and interview well.

If the attorney has more than six years of experience, the law firm is generally going to want:

- the attorney to have significant business; or,
- be in an extremely specialized practice area.

**What Does “Employed” Mean?** Law firms want to hire attorneys coming directly from law firms. If an attorney is not working, law firms generally do not care why and will not even consider that attorney. Law firms believe that there is something wrong with attorneys without jobs and generally believe they were fired. If an attorney was not fired, then the firms assume he or she quit and that is even worse because the firm feels it will always have to worry about the attorney quitting if the going gets tough. In general, it is extremely difficult for attorneys to get hired by top law firms if they are unemployed for any reason.

**What Is a “Top Firm?”** A good firm is a highly respected major national law firm, or a smaller law firm composed of attorneys from top law schools with major law firm experience. A good firm



should generally have major national clients and high profits per partner. A good firm should be a firm that is considered difficult to get a job with. A top firm also means that the attorney is coming from a law firm and not from an in-house position, a government job, an accounting firm job or anything of that nature. The attorney must be coming from a law firm only. Law firms view other legal environments with skepticism because such environments lack the intensive training of law firms, generate inconsistent work quality and are generally perceived as places where weaker attorneys go to work. Anything other than a top law firm is completely undesirable.

**What Are “Strong Qualifications?”** Strong qualifications generally mean that an attorney went to a top 10 to 15 law school, or did very well at a lower ranked school. Local firms also hire out of local schools and do not require phenomenal law school performance.

**What Are “Ties to the Area?”** Law firms want to think that if they hire an attorney and allow that attorney to service their clients and become part of their team that the attorney is going to stay with them and not be tempted to leave. Law firms feel that attorneys who are not from the area will be likely to leave if the going gets tough. Law firms want the attorneys they hire to have families, spouses, and have grown up in the area—or have something strong tying them to the area.

**Why the Bar Exam?** Law firms want to hire attorneys who are ready to go and not have to worry about whether they will fail the bar exam or take weeks off to study. Firms in certain areas are more demanding about this requirement than others (New York, California, Florida) and firms in other areas are not as concerned with it (DC, Illinois). Nevertheless, having taken the bar exam shows law firms that an attorney is committed to a given area and likely to remain there.

**What Does “Stable” Mean?** Law firms do not want to hire people who are figuring it out. This means that an attorney is unsure about working in a law firm, unsure about whether he or she actually wants to be an attorney, unsure about his or her practice area—or is simply a job hopper. An attorney needs to have concrete and solid reasons for moving firms and law firms do not want to take a chance if it looks like the attorney will make a move again. Law firms want stability, because it is work for them to introduce new hires to clients, bring them up to speed on matters and more. Law firms are generally not interested in attorneys who do not look like they will be stable.

**What Does “Interview Well” Mean?** An attorney interviews well if the attorney is the sort of person that the firm would be comfortable leaving alone with a client and is the sort of person with whom other attorneys in the law firm will be comfortable. The attorney should have a



personality that matches the firm culture as closely as possible.

**Why One to Six Years of Experience?** An attorney at this level is trained and still hungry enough to be a partner. An attorney is generally considered trained after the attorney has about one year of experience. The firm generally wants a culture where everyone is working hard and doing the best possible work to impress the partnership. This provides better work product and higher profits and is the way large law firms have always worked. Attorneys who do not care about making partner can negatively impact the culture of the firm and the work ethic of others around them. Attorneys with more than six years of experience who move firms are generally presumed not to have made it at their last firms and this is a liability. In addition, attorneys with more than six years of experience generally have billing rates approaching those of partners in their law firms. Partners make more money when they do the work themselves than when they give it to others. They generally keep a higher percentage of the fees for the work they do themselves than that which they give to others and the clients of partners generally want the partners to do the work. In addition, partners often prefer to give the work to attorneys in lower associate classes because they bill at lower rates and will thus save the clients' money and make the partners look better.

**What Does "Business" Mean?** Business generally means about three times as much business as the attorney expects to get paid – but different law firms have differences in the amounts of business they require and the minimum they pay partners and others. If an attorney expects to make \$500,000 a year, for example, that attorney is generally going to need at least \$1.5-million in business and a billing rate for clients that is similar to the law firm the attorney seeks to join.

### **Divergences from the Rules Indicate Shifts in the Market**

The hiring rules set out above have governed the legal recruiting market for decades and there is no reason to think they are going to change. However, changes in the ways law firms adhere to those rules can tell us a great deal about where things stand in the market and in specific practice areas:

- **The way you can tell a market is very good is based on how often law firms make exceptions to these rules.**
- **The way you can tell the market is bad is based on how inflexible law firms are with respect to these rules.**



For example, in a good market, some law firms will not require as good of schools, may not require attorneys to come from the best law firms, will more frequently hire attorneys with no business who have more than six years of experience, will hire attorneys that haven't passed the bar exam who are relocating, and will hire attorneys via Skype and not put them through grueling rounds of interviews. They will make hiring decisions quickly and they will call legal recruiters and plead for certain types of candidates.

These exceptions can be made within given practice areas, as well. In my estimation, practice areas are strong if law firms are frequently making exceptions to these rules with respect to hiring decisions relating to those practice areas.

In a poor market, law firms will generally demand that attorneys come from the best schools and fit into neat little boxes where they have near the exact number of years of experience and come from the best firms. Law firms can afford to be incredibly demanding because they have few openings and there are generally a lot of applicants for each opening. In poor markets, only attorneys with the best records are able to get the best jobs.

Of course, law firms do not tell you about the rules and the way those firms are diverging from them. The only way you learn this information is by seeing the kinds of attorneys they interview and decline to interview. If a law firm starts making exceptions frequently, then you know the market is very good.

From a recruiting standpoint, what is interesting is that this point—and this point alone—is one of the most crucial points distinguishing outstanding from average or poor legal recruiters. An outstanding legal recruiter understands that the market for attorneys is always fluid depending on the economy. Average or poor legal recruiters will simply parrot back the above rules to candidates and operate their businesses and lives based on being able to only help people who fall into narrow buckets at all times. Just as it takes skill to be a talented doctor or lawyer, it also takes skill to be a talented legal recruiter who knows that the rules are fluid and constantly changing.

A great recruiter understands that you can generally ascertain just how good or bad the market is based on the behavior of law firms and whether they are willing to step outside the paradigm in hiring decisions. I like to look for firms going outside their paradigms, because when I see this, I can determine the state of the market. My skill as a legal recruiter and the reason I understand the



market so well is because I am able to see when firms step outside of paradigms. This gives me insight into the true strength or weakness of the market and what is going on.

## **A Look at the State of the Market and Practice Areas for 2015 and Predictions about What We Can Expect in 2016**

2015 was a very good market and 2016 looks like it will be as well. During the 2015 year, I was able to place countless attorneys who were outside the box candidates and who did not fit into neatly defined boxes. The following chart lists the percentages of the placements that BCG recruiters made in 2015 according to practice areas:

<b>Practice Area</b>	<b>Percentage of BCG's 2015 Placements</b>
Corporate	31.08%
Real Estate	12.35%
Litigation	9.29%
IP Patent - General, Hard and Life Sciences	9.25%
Tax	5.03%
Employment	4.68%
Patent Agents/Technical Specialists	4.04%
IP / Technology Transactions	2.33%
Trusts and Estates	2.23%
Patent Agent - Life Sciences	2.21
IP Litigation	2.02%
Environmental	1.9%
Health Care	1.74%
Bankruptcy	1.63%
ERISA / Employment Benefits	1.4%
IP / Trademark and Copyright	1.25%
Energy	0.96%



Patent Agent - Hard Sciences	0.78%
Project Finance	0.77%
Insurance	0.69%
Intellectual Property Other	0.47%
International Trade	0.46%
Securities Litigation	0.46%
Government	0.45%
Telecommunications	0.19%
White Collar Crime	0.19%
Antitrust	0.19%

The market for lateral attorneys generally tracks the economy and certain practice areas respond accordingly. Based on the events of 2015, there is every indication that 2016 will be a good year for the correct types of attorneys in the right practice areas because law firms have been stepping outside of the paradigm. Below is a discussion of overall trends in the market for various practice areas.

Please note that we do not cover every practice area in this report. Rather, we concentrate on the practice areas for which we noticed especially significant trends and/or surprises during 2015 and for which we have particularly significant commentary with respect to our expectations for 2016.

## Glossary of Terms

For a glossary of practice area terms used herein, please see BCG Attorney Search's Quick Reference Guide to practice areas:

<http://www.bcgsearch.com/pdf/bcgpracticeareas.pdf>

Additional helpful links are provided in the specific practice area discussions set forth below.



## **CORPORATE**

- Percentage of BCG's 2015 Placements: 31.08%

In 2015, I was able to place numerous corporate attorneys who were senior, relocating and more. The market for M&A attorneys was especially strong. Here are some examples of the kinds of attorneys I was able to place:

- I was able to place corporate attorneys from small law firms in places like Detroit into firms in major American cities (New York, Chicago, San Francisco).
- I was able to place attorneys with 15+ years of experience in major markets.
- I was able to place attorneys from in-house positions into major law firms.
- I was able to relocate attorneys to the United States from foreign countries to do capital markets and securities work.
- I had countless attorneys from in-house positions get multiple interviews with major law firms, especially in the Bay Area.
- I was able to place foreign attorneys coming out of LLM programs in the United States in law firms in the United States.
- Attorneys who have been unemployed for one year or more were often getting multiple interview requests from firms in major American cities (New York, DC, and so forth).
- I had LLM candidates getting multiple interviews with major American law firms in major cities like New York.
- I had some candidates get interviews based on their desire to switch practice areas from IP to corporate and similar things that would never happen in a normal market.
- I had one candidate from China get flown over to do interviews with a law firm in South Carolina, of all places.

Corporate was highly in demand in 2015.

Candidates who fit into the mold of the ideal candidate (one to six years, top firms, and so forth) were completely overwhelmed with interviews and often received interviews from multiple firms. Many of these candidates were shoo-ins at top law firms and showing up at interviews was



basically a formality. One firm even asked a candidate: “Where are you going to live when you start work here?” three minutes into his first interview. He was handed an offer letter after his fourth interview of the day.

Another law firm called one of my candidates within five minutes of receiving his materials to discuss the terms of an offer. He was relocating from Texas to New York and had not yet passed the bar exam.

### **Why Was Corporate So Active?**

Corporate was active because there was a lot of deal activity and thus a need for corporate and transactional work. In addition, there was a giant recession from 2008 through 2010 that created a massive dearth of corporate attorneys because so few firms hired corporate attorneys during that recession.

Things always heat up for corporate attorneys when the economy is active, but this year was surprising by any measure.

### **The Biggest Surprises**

There were a few big surprises this year. One was that American law firms started hiring LLMS and foreign attorneys. Another was that many firms started hiring attorneys coming from [in-house positions](#), especially in the Bay Area. In-house attorneys did very well in 2015 and law firms seemed to have recognized the value they provide.

Another surprise of 2015 was that we saw a large number of smaller law firms in small markets begin demanding sophisticated corporate attorneys. This happened in upstate New York, numerous suburbs outside of major cities and metropolitan areas, and many smaller markets such as the Dakotas and others. This phenomenon of smaller firms demanding attorneys trained in sophisticated corporate transactions was a new and welcome development that reflected the strength of the overall economy. Companies and organizations in smaller cities were growing and they demanded that their local law firms provide them with attorneys able to do sophisticated work.



## **What Will 2016 Hold?**

The last several months of 2015 seemed to indicate a bit of a slowdown in the corporate markets. The final general employment number of 2015 showed declines in new hiring and also some weakness in the stock market. Since I am not an economist, I have no way of knowing what will happen. However, I am not entirely optimistic that things will continue as they have been in the market for lateral corporate attorneys. I have heard attorneys in the Bay Area start talking about a bubble, which makes me nervous, because if this pops then the market can go south very quickly—and corporate does go through cycles.

There are also other factors on the horizon that could impact the economy negatively, such as a Presidential election, the possibility of a terrorist attack, inflation, interest rate increases and other factors. 2015 was a relatively calm year with no Presidential election, no major terrorist attacks or wars, no inflation and a small interest rate increase. The relative security of 2015 allowed for growth and some business confidence. However, I do not believe that 2016 will be the same.

See my discussion below about “once every eight years.”

## **A Note about the Corporate Practice Area**

Corporate is an extremely dangerous practice area. When the market for corporate slows—and it always does—it often comes to a screeching stop. This happened in late 2000 and it happened in 2008. Economists often state that economies go through eight-year boom and bust cycles and if it this is the case, then 2016 may hold a bust.

When corporate is good, then the market is generally very good. But when it is bad, it is so bad that there may literally not be a single large law firm in the United States with an opening. Corporate may very well be in for a bust in the near future. If I were a law student, I think I would be very nervous about going into corporate right now.

## **General Geographic Observations**

As noted above, there were lots of corporate positions in areas outside of major cities in 2015. This was the sort of development we have not seen before. The market for 2016 is likely to be the same for some time compared to 2015.



The most active market for corporate attorneys was the perennial area famous for booms—Silicon Valley. Well-credentialed attorneys throughout the country with solid corporate experience could generally get multiple jobs there in 2015.

Los Angeles, surprisingly, was not that active. Los Angeles has never had a booming corporate scene and the demand for corporate attorneys in Los Angeles was not that strong in 2015. In fact, I was personally surprised by just how inactive it was. Areas such as Orange Country and even San Diego, a much smaller area, seemed more active in 2015.

Texas was also extremely slow in 2015, due primarily to the low price of gas that reverberated throughout the economy. Many corporate attorneys were having a very difficult time in Texas.

Georgia, the Carolinas and Florida were all quite strong in 2015. They should remain strong in 2016 as well. Florida, in particular, did very well and had a surprisingly high number of openings and mass of activity.

Chicago, Ohio and Michigan were all bright spots and did very well. One of the strongest and biggest surprises was Detroit, which seems to be 100% back from the economic issues it was facing in years past. Ohio was also very strong in 2015.

The East Coast was strong all around. Whether it was Pennsylvania, Boston, New York or DC, the market was in good shape and doing well. The strongest market was New York, where law firms were breaking rules and hiring unemployed people, LLM students, foreigners, senior people and others. This market was magical and the best I have ever seen it.

Internationally, there was a lot of activity in Singapore, Japan and, to a lesser extent, the Middle East. Mergers and acquisitions work was very in demand internationally and to a greater extent than I have seen it in some time. In China, there was a strong demand for attorneys with LLM and US experience.

**For more information about corporate and finance law practice areas, please see:**

- **Banking and Finance**
- **Corporate Practice**



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- **BCG Attorney Search's Guide to Corporate and Finance Practice Areas**
- **What is it Like Being a Corporate Lawyer: What Do Corporate Lawyers Do?**

*Click here to search for Corporate Law jobs:*

<http://www.bcgsearch.com/attorney-jobs/pa-2/Corporate-jobs.html>

*Click here to search for Corporate Finance Law jobs:*

[http://www.bcgsearch.com/attorney-jobs/pa-41/Corporate\\_Finance-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-41/Corporate_Finance-jobs.html)

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## **REAL ESTATE**

- Percentage of BCG's 2015 Placements: 12.35%

Real estate was extremely active in 2015 and should be active in 2016 as well. This market was so active, in fact, that in my belief 2015 was the best market I have ever seen for real estate attorneys in history.

2015 began with me speaking with an unemployed solo practitioner who had lost his largest client. He was located in a large Midwestern City and the client he lost was a casino. Because I knew the market was so strong, I told him that I could likely get him a position in a major firm in his city—possibly as a partner. He was in his 60s and had not worked for two years. He had a condominium in Florida that he was selling because he needed money to live on.

"I could not possibly apply to law firms," he told me. "I know most of those people and I am embarrassed I do not have any business. They will not hire me anyway. I've spoken with other recruiters before you and they tell me I will never get a job."

"You are wrong," I told him. "The market is on fire and you will be employed."

Instead of listening to me, this attorney did nothing. In his place, I marketed another unemployed attorney to a few firms in that same Midwestern City and, to my candidate's astonishment and delight, just a few days after he was interviewed he accepted a job paying \$290,000 a year.



In another case, I was able to assist an attorney who had been doing freelance editing for \$25 an hour for the past five years after having been laid off from a major Southern firm. This attorney had been doing some editing for one of our companies.

“You are placeable,” I told the attorney and proceeded to market the attorney all over the United States. I got the attorney a position paying \$300,000 a year in California even though this attorney had never even been to California.

In another case, a few attorneys contacted me from the real estate department of a small Midwestern law firm. I got one of these attorneys a position at one of the largest law firms in the United States, increasing this attorney’s salary from \$80,000 a year to \$185,000 a year. I got the other attorney a position in Seattle without the attorney even travelling to Seattle for interviews.

In 2015, real estate attorneys were extremely marketable and getting jobs all over.

I spoke with another real estate attorney who was working at a two-person law firm. He was working for a solo practitioner in New York City. I spoke with him on a Monday and he had a job offer with one of the five largest law firms in the United States by the following Monday.

“I really would have liked more time to look around before accepting the offer,” he told me. “I just did not think things would go this fast.” His salary went from \$45/hour as a contractor to \$190,000.

I was able to place numerous real estate attorneys with average qualifications in major American law firms. I was able to place attorneys who wanted to relocate to other areas of the country, attorneys with no business who were relocating and had 40+ years of experience, attorneys from small law firms into large law firms, attorneys who were unemployed and more. In fact, the market for real estate attorneys was so strong that virtually every attorney I worked with was able to get one or more offers.

I was also able to place numerous attorneys coming from in-house positions. These attorneys were working all over the country – Atlanta, Los Angeles, Texas and Florida – and some had been in-house for a few decades or more. There really was no limit to the kind of real estate attorneys law firms would hire in 2015.

### **Why Was Real Estate So Active?**



Real estate was active largely due to the fact that interest rates were low, there was the looming possibility of rate increases and the overall economy was in very good shape. This meant that a lot of real estate was back to its prerecession values and being sold and new real estate was being purchased. Law firms had a lot of real estate work due to these and other factors.

### **The Biggest Surprises**

From my perspective, the biggest surprise in the real estate market was just how off-kilter things got. I have never seen major American law firms pull people out of small law firms and small law firms in other parts of the country for this practice area. I have also never seen law firms hire so many people from in-house positions or hire so many senior people. It was really crazy. Law firms had the work and the clients willing to pay high fees for attorneys with experience.

I was further amazed by some of the attorneys who got interviews and offers. I saw attorneys with no business in their 70s get interviews in New York City. I saw all sorts of things that I believe I will never see again.

### **What Will 2016 Hold?**

When I started legal recruiting in late 1999, interest rates were relatively high and the real estate market was in very bad shape. The market started to pick up after the dot com bust in late 2000 because people wanted to put their money into assets they believed were safer than stocks.

Since interest rates are now increasing, my sense is that the real estate market will slow down a bit in 2016. As already mentioned, in certain Bay Area circles, attorneys are starting to use words like “bubble”, which may bode poorly for the overall economy—I do not know. I do know that in the final weeks of 2015, I saw a slowdown in the demand for real estate attorneys and my sense is that it is slowing and will continue to do so.

### **A Note about the Real Estate Practice Area**

Real estate is a transactional practice area and most transactional practice areas do well in good economies. In addition, there are generally fewer transactional attorneys than there are litigators and these transactional attorneys are more in demand in good economies.



## General Geographic Observations

Real estate was and is likely to stay active in most markets on the East Coast of the United States, as well as in the California and Atlanta markets, and all Midwest markets. In California, the Bay Area was extremely active and Orange County was also quite active. In Los Angeles, many law firms were eager for senior attorneys and almost ready to hire over the phone.

Less active areas included Texas (which was very slow) and Florida (which has been more active in the past).

Internationally, attorneys with US real estate experience were in demand in Asia.

- For more information about the real estate practice area, please see the following article: [Real Estate](#)

*Click here to search for Real Estate jobs:*

[http://www.bcgsearch.com/attorney-jobs/pa-13/Real\\_Estate-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-13/Real_Estate-jobs.html)

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## LITIGATION

- Percentage of BCG's 2015 Placements: 9.29%

Litigation was slow in 2015 and this will likely continue in 2016. When it came to litigators, there were few signs that law firms were willing to step outside of their normal paradigms and hire attorneys without one to six years of experience, or a certain amount of business if they are beyond that.

Despite the fact that litigation was slow, I was able to place numerous litigators and even relocate several of them. However, each of these attorneys had excellent qualifications. I was also able to place numerous partners with business and there was steady demand for partners with business.

## Why Was Litigation So Slow?



The problem with litigation in 2015 was due in no small part to the events of 2008 through 2010 when the corporate market was extremely slow. During this time there was hardly any corporate hiring occurring, so most law school graduates who could get jobs went into litigation. This resulted in hordes of litigators joining law firms all over the United States.

Another equally interesting factor that comes into play is that during recessions, when the market slows down, people start suing more because they realize that they lost money in the recession and start finding people to blame. This creates more litigation work and law firms like this.

Because corporate-related work, and most transactional-related work, is so slow during recessions, law firms begin to rely heavily on litigation for profits. During these times, many law firms work their cases more than they might otherwise because these are now the profit centers of the firm. As the bills start to pile up, clients start to believe that the cases are getting too expensive and start settling them. When the cases start to settle, litigation becomes very slow and law firms begin to lay off litigators. This increases the bar for what litigators need to get hired and the result is that the litigation market gets slow.

The litigation market is active right now but relatively slow and not what it was several years ago. In general, unless an attorney fits the paradigm the attorney will have a difficult time finding a position.

## **The Biggest Surprises**

The biggest surprise for me has been how bad things have been for litigators in certain markets and the number of layoffs I have seen. Markets like New York City, Chicago and Los Angeles have all been painfully slow compared to the past. I have not seen the litigation market so depressed in some time, while also simultaneously having so many bright spots.

## **What Will 2016 Hold?**

I believe that the market will start to pick up for litigators. The market has spent the past few years throwing off dead weight and should start to improve in 2016. If the economy slows—and it may—then litigation should pick up. The Federal Reserve has been raising interest rates in an attempt to slow the economy and this is a good sign for litigators. There should be more positions



and lower hiring standards for litigators in 2016.

## **A Note about the Litigation Practice Area**

As a general rule, the problem with litigation is that there are too many litigators out there who need jobs. Most attorneys choose to become litigators instead of transactional attorneys. You can walk into any town in America and find a litigator but not a tax attorney, corporate attorney or real estate attorney. Litigators are coming out of the walls.

Because there are so many litigators, the qualifications for litigation jobs are very high. Things like the quality of an attorney's law school, the attorney's grades in law school, clerkships and other things come into play. Law firms then expect the candidates to have worked in very prestigious law firms, as well.

In contrast, transactional practice areas like corporate, real estate and patent prosecution often require a different set of skills and there are fewer people who can do the work, making the few who learn these skills more in demand.

When litigators get more senior, they join a club that is huge and has countless other litigators at their levels. This applies even to litigators with top-flight experience. Law firms do not need to break the paradigm to find talented litigators because there are so many of them. In contrast, firms may have a very difficult time finding attorneys with transactional experience.

## **General Geographic Observations**

Litigation has been very, very slow in Boston, New York and most of the East Coast.

Litigation has been somewhat active in the District of Columbia, though, and many firms there seem to have actually **LOWERED** their hiring standards from previous years and have an interest in hiring attorneys from out of state and who do not fit paradigms perfectly.

Some law firms in Denver, Atlanta, Orange County and San Diego seem to have also been less stringent in their hiring criteria over the past year.

Los Angeles and the Bay Area seem to be very tight markets for litigation.



- For more information about the Litigation practice area, please see the following article: [Litigation, Practice Area](#)

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## **PATENT PROSECUTION**

- IP Patent (General, Hard and Life Sciences) Percentage of BCG's 2015 Placements: 9.25%

For the past 15 years, patent prosecution has always been a practice area where great things can happen for attorneys if recruiters put in the effort. This year was no exception and I made placements that astonished even me:

- I moved a 12-year IP litigator with no patent prosecution experience or business to a firm where she did exclusively patent prosecution.
- I moved a 25-year patent attorney with no business from a small Southern law firm to one of the largest firms in the United States in the District of Columbia.
- I placed several law school graduates who had not yet passed the bar exam, but passed the patent bar, with major American law firms. Some of these attorneys had failed the bar numerous times and one even had passed the bar but had a criminal conviction (which we disclosed to the firm) that was stopping him from getting admitted. The firm said they were going to call him "the convict" as a nickname when he joined.
- I placed a few patent attorneys who were not even required to do live interviews and got jobs over the phone.
- I placed one attorney who showed up two hours late for his interview.
- I placed a few patent attorneys who had clear personality problems that were overlooked due to their unique skill sets.

The number of patent attorneys I was able to place was, as usual, substantial. However, to place



patent attorneys often requires a lot of effort and recruiters must work hard and market them to a lot of places because, in most instances, there is not a fit. Patent attorneys are a unique group and they like each other and dislike each other for reasons that often make little sense to non-patent attorneys.

Despite how active the patent practice area was, it was not active all around the country. Certain areas were slow and other areas required very high qualifications (discussed below). In addition, regardless of my enthusiasm for patent, it does appear to have slowed down compared to previous years.

### **Why Was Patent So Active?**

The protection of patents and other intellectual property is fundamental for a strong economy and for the country to do well in many respects. Companies protect intellectual property with patents so they can make money in the future and rest assured that their investments in research and development will be protected.

Patent is traditionally active in the United States because this is a strong Capitalist country and there are few patent attorneys as compared to other sorts of attorneys. Patent attorneys comprise a small percentage of attorneys because most attorneys with scientific and technical disciplines do not go to law school—they either become scientists or engineers, or cash in early and accept high paying jobs instead of going to law school.

When the economy is good, as it was in 2015, companies have money to invest in research and development and patents. They are excited about the future and start hiring law firms to write patents for them.

### **The Biggest Surprises**

One of the biggest surprises of 2015 was that the year started with a boom in demand for patent prosecutors with life sciences backgrounds on the East Coast (Boston and to a lesser extent, New York). There was a literal explosion in openings at the beginning of the year that was unprecedented. Due to the fees they charge, it is rare to see New York law firms doing life sciences patent prosecution. But despite the market's initial apparent enthusiasm, by March it had died off. Most of 2015 was very slow for life sciences patent prosecutors, but active for hard sciences patent prosecutors and especially for electrical engineers.



## **What Will 2016 Hold?**

I believe that 2016 will be slower than 2015—at least as far as large law firms are concerned. There is an increasing movement toward flat fee arrangements, which has been decreasing the workload of several large law firms and putting pressure on prosecutors in large law firms to decrease client costs. Simultaneously, there has been pressure from law management in these firms to increase what is being charged.

This sort of conflict has been going on inside of large law firms for years, but it seems to have been picking up pace over 2015. I believe that patent will remain active in 2016, but the work is going to start moving more speedily to smaller law firms that can be more flexible on fees.

## **A Note about the Patent Prosecution Practice Area**

Please read my article “Top 10 Reasons Most General Practice Firms Have No Idea How to Hire Patent Attorneys” here:

<http://www.bcgsearch.com/article/900045971/Top-10-Reasons-Most-Law-Firms-Have-No-Idea-How-to-Hire-and-Evaluate-Patent-Attorneys/>

## **General Geographic Observations**

Markets like Phoenix, Detroit, Wisconsin, Minneapolis, Cleveland, Denver, Atlanta and other less mainstream legal markets are generally the best markets for patent attorneys because there are fewer of them there. Patent attorneys in these markets generally have an easier time getting hired. There are fewer jobs in these markets, but there are also fewer patent attorneys.

In contrast, the most active markets are places like Boston (for life sciences) and Palo Alto (for hard sciences). These markets are literally bursting with jobs and are incredibly active. Because there are so many jobs in these areas, most patent attorneys want to work there. Surrounded by major ultra-prestigious American law schools and universities pouring out PhDs and others, law firms in these markets have their pick of the most highly qualified attorneys. There are lots of jobs in these markets, but they are competitive.

An excellent strategy for a patent attorney interested in working in California without top-flight



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qualifications might be to work in Los Angeles or Orange Country, for example. These areas have demand, but fewer attorneys wanting to work there as compared to the Bay Area.

In all respects, though, the Bay Area is Xanadu for hard sciences patent attorneys and the area where the most important work is occurring.

***Please click here to search for Intellectual Property – Patent Attorney jobs:***

**[http://www.bcgsearch.com/attorney-jobs/pa-21/Intellectual\\_Property\\_Patent-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-21/Intellectual_Property_Patent-jobs.html)**

***Please click here to search for Intellectual Property – Patent Attorney – Hard Sciences jobs:***

**[http://www.bcgsearch.com/attorney-jobs/pa-36/Intellectual\\_Property\\_Patent\\_Hard\\_Sciences-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-36/Intellectual_Property_Patent_Hard_Sciences-jobs.html)**

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## **TAX**

- Percentage of BCG's 2015 Placements: 5.03%

Tax was a real surprise this year. Tax attorneys were in demand in markets that were most active for corporate attorneys – New York and the Bay Area. Tax was also in demand all over, though, and tax attorneys were doing very well.

- I took on several tax attorneys who were senior and had limited to no business. Many of these attorneys got positions, especially in Southern markets.
- Numerous attorneys coming out of LLM programs and with experience in accounting firms got positions, especially in New York.
- Many tax attorneys with limited experience (less than six months) were able to get interviews with major law firms.
- Several solo practitioners were able to get interviews with major law firms.



- I was able to relocate one tax attorney, who was not even working, clear across the country to a position in a major US law firm as a partner.

By far, the hottest area for tax attorneys in 2015 was New York City. Upstate New York was also surprisingly active. Tax was especially in demand in connection with M&A transactions.

### **Why Was Tax So Active?**

Tax generally follows the economy. When the economy is doing well, tax is an active practice area because there is more tax work to be done in association with various deals.

### **The Biggest Surprises**

Generally, tax is a pretty slow area for legal recruiting firms. This is due to the massive numbers of attorneys in accounting firms clamoring to get into higher paid law firm jobs and also the high number of attorneys coming out of LLM programs at schools such as [NYU](#) and [Georgetown](#). While tax is a solid practice area with talented attorneys, there have traditionally been two tiers of tax attorneys: (a) those who managed to get jobs with first-rate firms after law school and (b) those who did not. Those who did not are generally attorneys coming from LLM programs and accounting firms—traditionally second class citizens in the legal profession who are generally excluded from the club of large law firms and only selectively admitted (similar to a token person of a minority religious or ethnic group being admitted to a country club 50 years ago).

There are very few tax attorneys who manage to get jobs with prestigious law firms right after graduation. There have always been very few because tax is a small, specialized practice area. When there have been tax-related jobs at law firms in the past, most generally required that attorneys come directly from law firms. These attorneys—because there are so few of them—have traditionally done fairly well in law firm searches.

While this is not a nice thing to say, there have been two factors that have always worked against tax attorneys in the market and most people know it:

1. Attorneys who cannot get jobs in law firms often go to accounting firms. Accounting firms pay less money and the jobs are easier to get and not as prestigious. If an attorney has an



interest in tax, it is much easier for the attorney to get a job at an accounting firm than a law firm. Most attorneys in accounting firms are generally interested in getting jobs inside of law firms. In fact, there are so many attorneys interested in working in law firms that our company actually developed a rejection email at one point telling attorneys from accounting firms that we could not help them.

2. Attorneys who did not go to good law schools or get jobs with prestigious law firms after graduation generally go to LLM programs to make their backgrounds look more prestigious. This is a good thing, but everyone knows what the attorney is doing by getting an LLM. Sometimes this works, but generally getting an LLM will not translate into the attorney getting admitted into a major prestigious firm. But it can and does work some of the time and this gives hope to people who might not otherwise have a good school on their resume.

The good news going into 2016—and the biggest surprise for me when it came to the tax practice area—is that in 2015, prestigious law firms in several areas of the country suddenly opened their doors to attorneys coming out of LLM programs and accounting firms. The market was suddenly very active in New York City for these attorneys, more active than I have ever seen in my career. By the middle of 2015, it was literally on fire, mainly for attorneys with M&A tax experience. Attorneys with international tax experience were also in demand. Less in demand were attorneys with state and local and federal tax experience. However, these practice areas were enough in demand that law firms were still dipping into accounting firms and law firms for candidates.

Attorneys from accounting firms and LLM programs were no longer second-class citizens and were gaining traction. This to me indicated that the market was doing much better.

### **What Will 2016 Hold?**

Provided that the economy stays quite active, 2016 should be an active year for tax. If the economy slows down, then we can expect tax to dramatically slow down as well.

### **General Geographic Observations**

Tax was most active in New York City. Here, the qualifications for a tax attorney getting a position in a major law firm were the lowest I have ever seen. In addition, the suburbs of New York City and upstate New York were also extremely active. Notwithstanding, many law firms still stated in



the job descriptions that candidates “Must be Coming from a Law Firm.” But they ultimately had enough need that they put this demand aside.

A less active but equally hot area was Silicon Valley. Here, many of the major law firms did a great deal of hiring of tax attorneys and did not seem to discriminate too much either. This was the best year ever to get a job in Silicon Valley.

Washington, DC was a bit slow and not as active as it might have been. It was active but the law firms did not seem to be lowering their qualifications too much.

Los Angeles, Florida and Chicago were all better than in years past.

Texas was not that active. However, proportionally there did seem to be more activity and demand for tax attorneys than for corporate attorneys. I can remember at one point having three tax attorneys with interviews in Texas and no corporate attorneys interviewing anywhere.

Internationally, our firm did not see much activity in the tax arena.

- **For more information about the Tax practice area, please see the following article:**  
[Tax](#)

***Click here to search for Tax jobs:***

**<http://www.bcgsearch.com/attorney-jobs/pa-14/Tax-jobs.html>**

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## **EMPLOYMENT**

- Percentage of BCG’s 2015 Placements 4.68%

Employment attorneys are always in some level of demand because labor and employment related counseling and litigation is generally always occurring for the clients of the largest law firms. Companies are always going to need outside labor and employment attorneys.

As a general rule, labor and employment litigation tends to become much more active during poor



economies than in good ones.

- In poor economies there is more hiring and more demand because more people are losing jobs.
- It is also more difficult for the people who lose jobs to find new jobs and they have more time to sit around, be unhappy and sue people.
- In the best economies, fewer employers let people go and the people that are let go can more quickly find new jobs.

Employment litigation tends to be the most lucrative for law firms and the more of this they can get the more people they will hire.

In contrast, there is steady demand for labor and employment counseling in good and poor economies. In good economies, when things are growing, companies need employment handbooks and other types of advice. In poor economies, they need to learn how to let people go.

In 2015, the demand for labor and employment attorneys across the country was relatively flat—and probably will continue to be flat (or go down) for some time. The strongest areas seemed to be in Los Angeles, the Bay Area and throughout much of the East Coast. Nevertheless, as I will explain below, there were some patterns of interesting activity over the past year that will likely continue into 2016.

As a preliminary matter, there are some important things to understand about labor and employment and the difficulty of this practice area.

First, the rates that most law firms can charge for employment-related work are relatively low compared to other practice areas (even traditional litigation). This is so because the work has become largely a commodity. Companies constantly need labor and employment attorneys and attorneys want their business. With such a high level of competition, rates have been pushed down and are often lower even inside of major law firms.

In some major American law firms, it is not uncommon for the rates that employment attorneys charge clients to be 30% or less of other practice areas. The law firms tolerate the discrepancy because they want the business and the “spin off” business; however, there is generally



always a bit of resentment in the background. Many law firms develop separate tracks for their employment attorneys that pay them lower and give them no prospect of partnership.

In fact, many large law firms actually want to get rid of their employment practices (and some have). They simply resent the billing rates they can charge and do not view the work as sophisticated. In fact, much employment work is not that sophisticated at all. Defending a fast food restaurant against a petty employment-related suit by an aggrieved minimum wage worker is not “big firm” type stuff. Nevertheless, many large law firms do this work.

Second, the work is not considered as “prestigious” in many law firms because the matters are often not that sophisticated. In addition to the matters not being that sophisticated, the attorneys are often not of the highest quality either. Many of the cases attorneys do are against “small time” contingency attorneys that are trying to shake an employer down for a small settlement. It often does not take a lot of sophisticated motion practice to win these cases and many of the attorneys (on both sides) are “bored” and just going through the motions. The work quality does not tend to be that high.

In contrast, there are some very sophisticated types of cases that good employment attorneys are involved in and large law firms like. Class actions and wage and hour work where there is a lot at stake attracted the interest of numerous large law firms in 2015 and helped them collect large fees. This work is something that large law firms like and is very profitable for them. While general commercial litigators in many firms step in and do this work, in many large law firms this is the only sort of work the employment attorneys do.

There are several specialist firms that do employment and the most respected have traditionally been [Littler Mendelson](#), [Jackson Lewis](#) and [Seyfarth Shaw](#). These firms traditionally pay less than major law firms, but specialize in employment law. These are good firms for attorneys who want to practice employment law and they have some exceptional partners in them.

One of the problems with these firms (according to partners within each of them I have spoken with) is that the quality of their associates is often considered “mixed”. Because their salaries are lower, many attorneys go to these firms who cannot get jobs in larger law firms (but not all). Therefore, the quality of the associates is mixed. In my opinion, though, some of these firms have excellent partners and a Jackson Lewis employment partner is on par with an employment



partner in most major national general practice firms.

Because these three firms are so large, though, their associates often want to move into larger national law firms where the pay is better. It is often difficult for them to do this due to the fact that they often do not have the strongest work quality in the opinion of many large law firms. In fact, many large law firms demand that the attorneys only come from other major national law firms and not specialist employment law firms.

There are generally “two classes” of employment attorneys out there. There are attorneys working at major American law firms with top qualifications making a lot of money and there are attorneys at smaller, specialist firms that tend to specialize in labor and employment work. There is also a “cadre” of staff attorneys doing employment work at larger law firms.

In 2015 the hiring was not as good at large law firms, but there was a lot of hiring at many specialist firms and at the partner level.

- I saw many partners with fair amounts of business get multiple interviews (some even who were relocating).
- I saw several talented attorneys from major law firms relocate (successfully) to strong specialist employment law firms.
- I saw several employment attorneys do well in the Bay Area, Los Angeles, Chicago and a few major cities.

The market was generally fine and there were no major surprises. For a law school graduate and for existing attorneys, there are few safer areas than employment. Employment attorneys from major American law firms can generally get a job with a specialist firm quite quickly. Attorneys from specialist firms can generally get a job with another specialist law firm quite quickly. Attorneys with any type of firm can generally get an in-house position quite quickly.

The one drawback of employment is the pay tends to be lower. Nevertheless, employment provides a high amount of security compared to most other practice areas.

## **Why Was Employment Generally Flat in 2015?**



Between 2008 and 2010 the majority of positions that law school graduates could get were in practices like litigation and employment. Because most litigators can also do employment quite easily, most of the positions in the market were filled with high quality law school graduates. There are simply a lot of employment attorneys out there and law firms do not need to look very hard to find them.

In addition, the economy was quite active and doing well in 2015. This meant that there was less need for employment litigators for the most part. Despite this fact, there was a fair amount of demand for attorneys (in large law firms) for attorneys with experience defending wage and hour class actions in particular.

### **The Biggest Surprises**

The biggest surprise that I saw was the demand for many attorneys at the more senior level (with 5+ years of experience) in some of the outlying markets like St. Louis, Ohio, Michigan and in some areas of the South (including Texas). I have never seen senior people so well received as I did this year. I also saw a lot of activity in Texas, which was very surprising, because Texas was very slow this year. This activity was likely caused by the low oil prices, which negatively reverberated across the entire Texas economy.

### **What Will 2016 Hold?**

I believe that in 2016 things will generally remain flat provided the economy stays active. Many senior attorneys I speak with often seem very enthusiastic about wage and hour class actions and related work. This is likely to be an ongoing source of work over the next year that may buoy this practice area even more—especially in large law firms.

### **A Note about the Employment Practice Area**

Employment related work is constantly active in all regions. The market for laterals is generally considered “hot” when there are not enough well trained laterals to go around. The market is not “hot”, because so many people went into this practice area when the market was very slow in 2008, 2009, 2010 and even in 2011.

### **General Geographic Observations**



The slowest market with the least demand has always been New York City. While there are a lot of employment attorneys there, the billing rates of the largest firms (our clients) does not make this sort of work an important epicenter for these firms and they do not hire laterally often. When they do get sophisticated work, these firms often use their litigators for the work.

The most active markets in 2015 were Texas, California, Atlanta, Ohio, Chicago and Michigan. In California, Los Angeles was most active for litigation and the Bay Area was most active for counseling related work.

- **For more information about the Employment practice area, please see the following article: [Labor and Employment, Legal Practice Area](#)**

*Please click here to search for Employment jobs:*

<http://www.bcgsearch.com/attorney-jobs/pa-3/Employment-jobs.html>

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## IP / TECH TRANSACTIONS

- Percentage of BCG's 2015 Placements: 2.33%

This practice area did very well in 2015 and licensing and other transactional-related practice areas became more active toward the end of 2015 than at the beginning of the year. This bodes well for the economy.

As I said earlier, many people in the Bay Area ecosystem have begun talking about “a bubble” because there has been so much activity. The furious amount of transactional-related work in IP technology certainly seems to be a sign of this—but it may not be.

The good news is that there is a lot of work.

Something I witnessed in 2015 that was very interesting was the massive number of law firms that were more than happy to bring people on board from in-house positions and who were quite senior—often with 15+ years of experience. Law firms were happy to break the paradigm of what



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was normally in demand.

### **Why Was IP Tech Transactional Work So Active?**

This was largely due to the strength of the economy. The economy was very good in 2015 and there was a great deal of this work available for attorneys, particularly in the Bay Area, which was the most active market by far.

### **The Biggest Surprise**

The biggest surprise for me was the complete re-emergence of a major demand for this work after a period of slumber for the past 16 years since before the dot com boom. The demand for this work was strong enough that attorneys who before would have had a difficult time getting law firm positions suddenly became employable again.

### **What Will 2016 Hold?**

The market should continue doing well unless we are, in fact, in a bubble and the bubble bursts. If this occurs then there could be significant problems.

### **A Note about the IP/Tech Transactions Practice Area**

This practice area generally appears in strong economies and then hides under a rock when things get slow.

### **General Geographic Observations**

This practice area is most active in the Bay Area and New York. But there are pockets of activity all over the United States.

***Click here to search for IP/Tech Transactions jobs:***

**[http://www.bcgsearch.com/attorney-jobs/pa-26/IP\\_Technology\\_Transactions-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-26/IP_Technology_Transactions-jobs.html)**

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### **TRUST AND ESTATES**



- Percentage of BCG's 2015 Placements: 2.23%

Trust and estates had an excellent year in 2015 in all respects. Law firms throughout the entire United States had openings and were eager to hire. Trust and estates is typically a niche practice area inside of law firms and not all that active. Hiring tends to be slow and, for the most part, trust and estates has never been a real profit center for the largest law firms. A lot of the work that is done is generally for partners within the law firm or high net worth clients.

Trust and estates was more active in 2015 than I have seen it in a long time. We had candidates interviewing in most major markets and made several placements. In some years, there has been hardly any activity, but this year there was quite a bit. We had candidates interviewing in major cities and even non-traditional places such as North Dakota.

### **Why Was Trust and Estates So Active?**

Trust and estates is generally a slow and steady practice area where things happen slowly and there is not a lot of demand. The significant demand for trust and estates attorneys in 2015 was likely due to the strength of the economy and the corresponding creation of wealth.

### **The Biggest Surprise**

The entire market and the level of demand in it was a huge surprise. A talented trust and estates attorney with top-flight qualifications could most likely find a position in most areas of the country. You cannot say this for most practice areas and there does appear to be solid demand.

### **What Will 2016 Hold?**

I do not see trust and estates slowing down in any meaningful way in 2016 because there has been steady demand in every region of the country.

### **General Geographic Observations**

There has been demand in every area of the country.

***Click here to search for Trusts and Estates jobs:***



[http://www.bcgsearch.com/attorney-jobs/pa-16/Trust\\_and\\_Estates-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-16/Trust_and_Estates-jobs.html)

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## **IP LITIGATION**

- Percentage of BCG's 2015 Placements 2.02%

For several years, IP litigation was an extremely active practice area and a hot one for attorneys to be involved in. There was a lot of work and law firms were generating large fees doing patent work. Unfortunately, patent work took a real dive in 2015 and was slow for most of the year. While there are certain pockets of strong activity and people involved in large cases, the work has slowed down and it is no longer what it used to be for most attorneys.

Starting in 2014, we began to see numerous major law firms lay off scores of highly qualified and motivated IP litigators. This trend continued in 2015 as more firms let attorneys go and the work slowed down at many firms. Many attorneys have approached us looking to switch from IP litigation to practice areas like licensing or trademark prosecution.

Because many attorneys doing IP litigation have technical degrees and backgrounds, many have approached our firms seeking a return to patent prosecution or to take up patent prosecution completely.

While I certainly made some IP litigation placements in 2015, I actually placed more attorneys seeking to get out of IP litigation than I placed seeking to go to new firms doing IP litigation. This surprising trend took place for the first time in my career as a legal recruiter. I managed to help several attorneys make the transition from IP litigation to patent prosecution over the past year.

### **Why Was IP Litigation So Slow?**

IP litigation was so slow because it was extremely active in years past. There are a ton of IP litigators out there and at one time it was considered among the hottest practice areas to be in. Attorneys of all shapes and sizes flocked to it and for a long time they were able to get jobs.

New laws have recently been passed making things more difficult for patent trolls and others



filing patent lawsuits. These laws have created conditions where more cases are settled and fewer cases are being filed. Inside of law firms, this is creating depressing conditions, because there is not enough work for attorneys.

Now is a worse time to be an IP litigator than any other time I can recall.

## **The Biggest Surprises**

I am shocked that so many people have lost their jobs as IP litigators.

Some firms have let go such a huge variety of people that when you look at their LinkedIn profiles and see graduates of Ivy League law schools who formerly worked at major American law firms and have been without jobs for months, started solo practices, are living with their parents and have top degrees it is amazing. I'm talking about people with advanced degrees from MIT prior to going to law school and similar sorts of qualifications. When you see stuff like this it is sad and difficult to comprehend.

The biggest surprise of the past few years has been the fact that IP litigators are having such a difficult time getting jobs.

## **What Will 2016 Hold?**

There is little reason to expect that much will improve for IP litigation in 2016.

## **A Note About the IP Litigation Practice Area**

IP litigators typically do not need to have advanced degrees (PhDs in electrical engineering and other similar areas) in order to do the sort of litigation they need to do or to understand the subject matter. Despite the fact that these sorts of degrees are not required, law firms typically prefer advanced degrees because it looks good to their clients. Attorneys with advanced science degrees in hard sciences (electrical engineering, physics and computer science) are generally more marketable than those with degrees in life sciences.

## **General Geographic Observations**



Despite all of this, there are some bright spots and hiring is occurring in certain areas. Bay Area firms are hiring and I have placed lots of IP litigation attorneys in that area this year. There are also pockets of hiring in areas like Denver, Los Angeles and New York from time to time. Nevertheless, with the exception of the Bay Area, the market has been soft.

There will likely continue to be moderate demand for IP litigators with hard sciences disciplines in the Bay Area in 2016.

There will be some demand for IP litigators with life sciences backgrounds in Boston and to a lesser extent New York.

- **For more information about the Intellectual Property practice area, please see the following article: [Intellectual Property Law Practice Areas Explained: The Differences Between Patent Law, Trademark Law, Copyright Law, Trade Secret Law and Licensing Law Explained](#)**

***Click here to search for IP Litigation jobs:***

**[http://www.bcgsearch.com/attorney-jobs/pa-20/Intellectual\\_Property\\_Litigation-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-20/Intellectual_Property_Litigation-jobs.html)**

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## **ENVIRONMENTAL**

- Percentage of BCG's 2015 Placements 1.9%

Environmental is an interesting practice area. Environmental is a practice area that used to be extremely active. In the late 1980s all the way through the early 2000s environmental was a hot practice area. There was a concerted need for attorneys in many large, sophisticated law firms with this experience, but the competition for these jobs was fierce. Many of the most talented law school graduates actually planned out their futures by getting lots of exposure to this branch of law even before they went to law school.

The enthusiasm for environmental law in the eyes of the market did not last long. By the early 2000s law firms were letting environmental attorneys go in droves and the work has never really



come back. There is just not a lot of environmental-related hiring going on and there has not been for over 15 years.

While this may sound like a bad thing, there are still pockets of activity. The few attorneys that do get jobs with large law firms in this practice area each year (especially with large law firms) become extremely marketable. In fact, generally all of the environmental attorneys I worked with in 2015 from large law firms received interviews with other large law firms. There just are not a lot of these attorneys.

One of the most humorous things about the environmental practice area is how long the cases can go on. Every few months I will speak with an environmental attorney who is looking for a new job after working on the same case for the past 10, 15 or even 20 years.

“Well, we are finally wrapping it up and I’m looking for another job.”

It is as if these attorneys are stepping out from underneath a rock. Incredibly, these attorneys may have spent their entire career on the same case. When the case settles the law firm no longer has the work to support them and they go looking elsewhere. I have seen this pattern for as long as I can remember.

In 2015 I saw lots of environmental activity in Texas, Michigan, Chicago, Pittsburgh, DC and the Bay Area. For attorneys with top notch experience working in these areas, there were large law firm willing to hire them – and law firms were willing to look beyond the obvious and hire people who were not perfect matches.

That said, the market was not more active than in the previous few years – but it was stable.

### **Why Was the Market Stable?**

At one time there were a lot of environmental attorneys and then market forces basically crushed the practice area – and now there are not many left. Because there are fewer environmental attorneys, those that remain are in a position of being in demand when there are jobs matching their qualifications. There are also very few new environmental attorneys being “minted”, which means that they face little competition for jobs in the market.

### **The Biggest Surprise**



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The biggest surprise that I had in 2015 in this practice area was the fact that the market is simply “back” and that experienced environmental attorneys can get jobs. There is no doubt about it. There are small pockets of activity all over the country and there is work for these attorneys.

### **What Will 2016 Hold?**

The market is likely to remain stable.

### **A Note about the Environmental Practice Area**

This practice area is highly policy dependent. Depending on government policy, the practice area can get extremely active – or slow. Some of the best training for environmental attorneys is generally with the government and, in particular, the Justice Department and EPA in Washington, DC.

### **General Geographic Considerations**

The market for environmental attorneys has always been good in the District of Columbia. The jobs in DC are often more difficult to get, though, due to the strength of the attorneys that are available in the government and interested in moving into private practice. The market has traditionally been active in rustbelt cities, and to a lesser extent Texas and California. There has generally not been a lot of work in New York City where rates are high.

More than geography, the most important thing for lateral attorneys is to find a “pocket” where there is a strong concentration of environmental work occurring inside of a law firm. There may be a group of as few as three or four attorneys with a sizable book of business and opportunity for a lateral attorney.

***Click here to search for Environmental Law jobs:***

**<http://www.bcgsearch.com/attorney-jobs/pa-4/Environmental-jobs.html>**

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## **HEALTHCARE**



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- Percentage of BCG's 2015 Placements: 1.74%

Healthcare has never been a hot practice area for legal recruiters. However, in 2015 it was very active. Just about every healthcare candidate I worked with was able to get multiple interviews and there were several surprises:

- To hold on to one candidate I was working with, a large law firm told him he could go get an LLM and they would pay for it and allow him to work full-time while he did it.
- One hospital in-house attorney in her late 50s I was working with had never worked in a law firm and did not have sterling credentials—and no business—got at least 10 interviews all over the United States.
- One woman I was working with at a two-person law firm in Texas and non-stellar credentials managed to get interviews with several large law firms in Texas.
- One senior attorney I was working with in Florida managed to get numerous interviews in Florida, Atlanta and the Carolinas.

The market was full of surprises in 2015 and law firms seemed very hungry for healthcare attorneys in all respects.

What interested me most was just how willing law firms were to break paradigms. Old, young, moving, in-house, less-than-stellar qualifications—none of the law firms seemed to care. Law firms wanted health care attorneys.

### **Why Was Healthcare So Active?**

The healthcare sector is a booming area of the economy and it appears this will continue. Traditionally, healthcare has not been the highest fee work inside of large law firms and only a few specialist firms and smaller firms handled the majority of the work. But healthcare attorneys are in demand even by many larger firms in the present economy.

### **The Biggest Surprise**



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My biggest surprise was the willingness of firms all over the country to interview and hire healthcare attorneys from so many varied backgrounds. There is clearly a need in most areas of the country for attorneys with healthcare experience.

### **What Will 2016 Hold?**

I see no reason why healthcare will not stay extremely active in 2016. The market is active and booming all over.

### **General Geographic Considerations**

The interesting thing about healthcare is that it is active in just about every area of the country and thus healthcare attorneys are employable everywhere. There are positions in Pittsburgh, Denver, Houston, Phoenix and all sorts of areas—and firms in these areas are hungry for strong attorneys.

***Click here to search for Healthcare jobs:***

**[http://www.bcgsearch.com/attorney-jobs/pa-6/Health\\_Care-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-6/Health_Care-jobs.html)**

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### **BANKRUPTCY**

- Percentage of BCG's 2015 Placements: 1.63%

The market was very bad for bankruptcy attorneys in 2015. The way I can always tell the economy is doing very well and bankruptcy is doing poorly is when I see a high number of talented stragglers looking for jobs for an extended period of time. These are typically people that went to top law schools, worked in top law firms and lost their jobs and have been looking for jobs for six months or more. I saw a ton of these in bankruptcy through the course of 2015 all over the country.

I like bankruptcy attorneys very much and always have. The number of bankruptcy attorneys out there is relatively small as compared to other practice areas and consequently they all seem



to know each other, the work other firms are doing and the people in them. In many cases, bankruptcy attorneys may know much more about the market for bankruptcy attorneys than recruiters.

What I like about bankruptcy attorneys is how seriously they take their careers. They also tend not to get arrogant and full of themselves when they are in demand and they become very concerned and on top of their job search when they are not in demand. The countercyclical nature of the practice has always been interesting and the bankruptcy attorneys generally are always a bit worried about the market at all times.

### **Why Was Bankruptcy So Slow?**

Bankruptcy has always been an interesting practice area and typically goes through ups and downs in flow with the economy. In a poor economic climate, bankruptcy attorneys always are in demand and law firms tend to be quite eager to hire them—at most seniority levels. Even senior bankruptcy attorneys without a lot of business become marketable to large, important law firms during bad economies.

At the beginning of the year, the market was downright frightening and there were few positions around the country. Toward the end of the year, it became very active—especially in New York City (discussed below). This may not bode well for the overall economy.

### **The Biggest Surprises**

The biggest surprise for me was the sheer lack of jobs all over the country at the beginning of the year and then the burst in openings that came at the end of the year, especially in New York. Unlike any other area of the country, New York suddenly had a ton of bankruptcy jobs at all levels.

### **What Will 2016 Hold?**

I believe that bankruptcy will be strong in 2016 and pick up substantially. There was just too much end-of-the-year activity to cause anything else to occur.

### **A Note about the Bankruptcy Practice Area**



The one safety net for bankruptcy attorneys is that large, major law firms generally want to have at least a few of them around, even in good-sized branch offices. There also is some security in these positions, at least to a certain extent, because of the practice area's boom and bust nature and the firms' need, from a security standpoint, to always have people around in case the work picks up.

### General Geographic Observations

While I am not an expert in economic predictions, one thing I have noticed throughout my career is that when the market slows down or speeds up it typically starts in New York City or the Bay Area first. These are the two epicenters of the legal community where most things always seem to happen first. There were also a few bankruptcy attorneys with major law firms in the Bay Area as well as New York at the end of the year.

When the economy picks up or slows down, it typically starts in New York and the Bay Area and then works its way through the rest of the country over a period of months. For some reason, Texas often takes a while and economic slowdowns and booms generally happen there last.

- For more information about the Bankruptcy practice area, please see the following article: [Bankruptcy](#)

*Click here to search for Bankruptcy jobs:*

<http://www.bcgsearch.com/attorney-jobs/pa-1/Bankruptcy-jobs.html>

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### ERISA, EMPLOYEE BENEFITS AND EXECUTIVE COMPENSATION

- Percentage of BCG's 2015 Placements: 1.4%

This practice area was very active throughout the country in 2015, but seemed to slow down to some extent toward the end of 2015.

Traditionally ERISA and executive compensation have been niche practice areas, similar to



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bankruptcy, where there are groups of attorneys around the country who tend to know each other or know of each other. Most ERISA attorneys were able to get interviews and our company made several placements in 2015.

Some interesting things I saw:

- An ERISA attorney with a small Southern law firm and poor law school qualifications was able to get interviews with major US law firms.
- A New York attorney who had been unemployed for over five years was able to get numerous interviews in New York.
- Strong ERISA attorneys in the Bay Area were able to get numerous interviews.
- A 20-year in-house ERISA attorney who has not worked in a law firm in ten years was able to get interviews with several large New York law firms.

In fact, the legal market was so strong that virtually every ERISA and executive compensation attorney out there was able to get multiple interviews and placement.

There is a very strong need for attorneys with experience in executive compensation, particularly in New York and the Bay Area.

### **Why Was the ERISA/Employee Benefits/Executive Compensation Practice Area So Active?**

ERISA is largely transactional in nature. When the economy is doing well, there tends to be a strong need for attorneys with transactional-related skills. Law firms were also very bullish on the legal market because they were doing well in 2015 and were willing to hire more attorneys. Hiring was increasing, which presumably was also creating more demand for ERISA-related attorneys.

### **The Biggest Surprises**

The biggest surprise for me was just how active ERISA was all over the United States. An attorney in Atlanta, for example, would stand a realistic shot at getting a position in Palo Alto, New York or other areas—even with limited experience and not stellar qualifications. The market was that good for ERISA attorneys.

### **What Will 2016 Hold?**



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2016 should remain an active market for ERISA, employee benefits and executive compensation lawyers. The market was very good over the past year, although it did show some signs of slowing toward the second half of 2015. I believe that the market will not be at the same fever pitch it was at the beginning of the year, but it should continue to do well.

### **A Note about the ERISA, Employee Benefits and Executive Compensation Practice Area**

This is a smart practice area for attorneys to select. For the most part, attorneys who do this sort of work are generally always employable.

### **General Geographic Observations**

The market for this type of work was good all over most of the United States and particularly strong in New York and the Bay Area.

*Click here to search for ERISA jobs:*

<http://www.bcgsearch.com/attorney-jobs/pa-43/ERISA-jobs.html>

*Click here to search for ERISA/Employee Benefits jobs:*

[http://www.bcgsearch.com/attorney-jobs/pa-19/ERISA\\_Employee\\_Benefits-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-19/ERISA_Employee_Benefits-jobs.html)

*Click here to search for Employee Benefits/Executive Compensation jobs:*

[http://www.bcgsearch.com/attorney-jobs/pa-44/Employee\\_Benefits\\_Executive\\_Compensation-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-44/Employee_Benefits_Executive_Compensation-jobs.html)

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### **TRADEMARK**

- Percentage of BCG's 2015 Placements: 1.25%

Trademark had an excellent year. There is really no other practice area that so closely tracks the ups and downs of the economy than trademark. Trademark always gets busy when the economy is doing well because people are excited about the economy and start businesses, trademark



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things and hire expensive attorneys to do the work.

This year we placed several trademark attorneys throughout the country. Even areas that are traditionally slow for trademark work—such as New York City—saw a lot of activity in 2015.

The interesting thing about trademark is that it is one of the riskiest practice areas for attorneys to get involved in. When the market slows down, there is a huge contraction in the number of jobs and many trademark attorneys may not work for years. When the market is slow, attorneys may spend years unemployed.

Trademark attorneys often go in-house because so few law firm positions are generally open.

A final point about trademark attorneys is that they often have a difficult time getting positions if they do not fit the paradigm. Because there are traditionally more highly qualified trademark attorneys than there are openings, law firms can always afford to be quite selective when hiring them.

### **Why Was Trademark So Active?**

Trademark traditionally is active and does well when the economy is doing very well. When the economy is not doing well, trademark goes 100% dark and you often do not see trademark openings for a year.

### **The Biggest Surprises**

The biggest surprise for me was the sheer number of trademark openings. Starting at the beginning of 2015, I could not recall a time since 1999 when there was so much activity in the market. Another big surprise was that this activity was just as strong on the East Coast as it was on the West Coast, which is something I had never seen before.

### **What Will 2016 Hold?**

Going into 2016, the work seems to be slowing down for trademark attorneys. There does not seem to be as much demand as there was in the first half of 2015.

### **A Note about the Trademark Practice Area**



Trademark is cyclical. It appears to be slowing down, which means the economy is slowing down.

## General Geographic Observations

Trademark has traditionally been most active in the Bay Area. In 2015, it was also very active on the East Coast and there was some activity in the Midwest as well.

- **For more information about the Intellectual Property practice area, please see the following article:** [Intellectual Property Law Practice Areas Explained: The Differences Between Patent Law, Trademark Law, Copyright Law, Trade Secret Law and Licensing Law Explained](#)

*Click here to search for Trademark jobs:*

[http://www.bcgsearch.com/attorney-jobs/pa-25/Intellectual\\_Property\\_Trademark\\_Copyright-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-25/Intellectual_Property_Trademark_Copyright-jobs.html)

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## ENERGY

- Percentage of BCG's 2015 Placements 0.96%

Energy is an interesting practice area. The majority of attorneys with energy experience are actually doing “project finance” related work, but many are not. There are, in fact, many energy attorneys whose work is primarily regulatory in nature and who work on things like transmission and rate cases before the Federal Energy Regulatory Commission. Some energy attorneys have expertise in oil and gas and others in electrical power. They do work before federal and state regulatory agencies in power-related issues.

The “electric” component of this practice area was consistently quite active in all of 2015 and seems to be picking up. There are strong pockets of activity in this practice area in New York, the District of Columbia and California. I saw a strong demand for electric energy attorneys all year and the number of jobs going into 2015 seems to have increased substantially.

Notwithstanding the demand for “electric” energy attorneys, the demand for energy attorneys with



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experience in oil and gas was the opposite. All over talented oil and gas attorneys were having a very hard time. Areas like Oklahoma and Texas that traditionally have been very good for energy attorneys were hit extremely hard in 2015 and the market was among the worst I have ever seen.

### **Why the Market Was Solid for Electric and Bad for Gas**

The market for electric remained solid in 2015 because the economy was good, there was cheap financing and the market appeared to be expanding. The market for gas was harmed by low oil prices.

### **What Does 2016 Hold?**

I believe the market for electric energy attorneys will continue to improve. It should improve in both Washington, DC and, more importantly, at the state level. California should also be more active in 2016. Texas should remain very slow for oil and gas.

### **Geographic Considerations**

The most significant area of electric activity was, as usual, in Washington, DC. There were several jobs there the entire year for attorneys with solid energy experience and there continue to be many good jobs going into 2016. These are positions with prestigious, well paying and solid law firms. Almost all electric energy attorneys with a few years of experience and top qualifications have a good shot at lateraling. In contrast, the market for oil and gas attorneys was horrible—the worst I have ever seen—especially in Texas.

***Click here to search for Energy jobs:***

**<http://www.bcgsearch.com/attorney-jobs/pa-23/Energy-jobs.html>**

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### **PROJECT FINANCE**

- Percentage of BCG's 2015 Placements: 0.77%

Project finance was very active in 2015. There was strong demand in most regions of the United



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States, but Texas was very, very slow throughout most of the year.

Attorneys with project finance experience have traditionally done well in Texas, but the market was not strong this year. Instead, strong markets in 2015 included Colorado, the Pacific Northwest and Washington, DC. Upstate New York was also strong.

An important point about project finance is that the demand was not so strong that law firms were willing to go outside of the paradigm of what they traditionally look for. In fact, law firms were unwilling to look at people from in-house positions, senior people, people not coming from good law firms and without good qualifications. Therefore, the demand in the market was strong, but not strong enough that law firms were willing to bend the rules.

### **Why Was Project Finance So Active?**

Project finance was active but steady. This was likely due to the strength of the overall economy in 2015 and the willingness of people to invest in project finance-related work.

### **The Biggest Surprises**

The biggest surprise for me personally was the lack of activity in the Texas market, which is traditionally a bastion of activity and placements. In 2015, low oil prices sent a recessionary vibe across a lot of the Texas-related work.

### **What Will 2016 Hold?**

I believe that work will pick up in 2016, but not to the extent that law firms will be willing to ignore traditional hiring criteria.

### **A Note about the Project Finance Practice Area**

Most of the activity in this practice area has always been in Texas, New York and Washington, DC.

### **General Geographic Observations**



Texas is very slow. I expect the District of Columbia, New York and the Pacific Northwest to get busier in 2015. There are often opportunities for attorneys to move internationally with this practice area—and many do. Markets such as the UAE and Asia have always been good choices for attorneys with experience in project finance.

***Click here to search for Project Finance jobs:***

**[http://www.bcgsearch.com/attorney-jobs/pa-34/Project\\_Finance-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-34/Project_Finance-jobs.html)**

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### **INSURANCE (INSURANCE COVERAGE)**

- Percentage of BCG's 2015 Placements: 0.69%

This has always been a steady practice area and has done well in good as well as poor economies. There tends to be consistent demand for insurance coverage attorneys in various markets throughout the United States and the activity does not seem to be centered in any one part of the country. There has always been a good amount of work in Los Angeles, Texas and Chicago.

Despite the “steadiness” of this practice area, we did notice a slowdown in 2015 and this appears to be continuing into 2016. The slowdown has been related to the fact that most large, prestigious law firms (with some exceptions) do not seem that active in this practice area. In fact, there have been layoffs in several large law firms and the market has slowed down considerably from what it was several years ago. The activity that there is in the largest law firms seems to not be resulting in any major hiring going on.

An interesting thing about insurance coverage is that the firms that seem to get most of the work tend to be midmarket with lower billing rates and lower hiring standards. With lower hiring standards, these law firms will generally not be interested in the sort of “top flight” attorneys that recruiters are hired to provide. Law firms work for insurance companies and insurance companies are notoriously “cheap” and want to keep rates down. Because of the pressure to keep rates down in the law firm environment, the majority of work has gone to smaller law firms or less prestigious ones.

At the higher level and at the most prestigious law firms that do this work, there tends to be



a “club” of sorts, because most of the attorneys working in major American law firms that do insurance coverage-related work know each other. The movement also tends to be a bit incestuous, and they all know what the other attorneys are working on (and vice versa).

While there are jobs available in insurance coverage, it is not an active practice area at the moment and has been slowing down. The insurance coverage work also used to have work available to support partners without business. Over the past several years there has been a noticeable slowdown in the market, which has left several of these partners unemployed.

Notwithstanding, because insurance coverage is so specialized, attorneys with less than 10 years of experience generally do not have much of an opportunity to find new positions – either with the less prestigious firms or, in some cases, even with the more prestigious law firms as well.

***Click here to search for Insurance jobs:***

**<http://www.bcgsearch.com/attorney-jobs/pa-8/Insurance-jobs.html>**

***Click here to search for Insurance Defense jobs:***

**[http://www.bcgsearch.com/attorney-jobs/pa-40/Insurance\\_Defence-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-40/Insurance_Defence-jobs.html)**

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## **SECURITIES LITIGATION**

- Percentage of BCG’s 2015 Placements: 0.46%

Securities-related litigation is a bright spot in the litigation field going into 2016. While securities litigation is related to general litigation, it is quite different because of the sorts of attorneys that top law firms are seeking. As top law firms are being called on to defend securities lawsuits filed against them, they are increasingly interested in hiring attorneys with experience working for the Securities and Exchange Commission (“SEC”). Nothing looks better to a potential client when a firm can say “we have attorneys who were formerly with the SEC working for us.” Attorneys with FINRA experience were also quite in demand.

Attorneys with SEC experience were in high demand. One attorney I worked with who had never worked in a law firm got several interviews in New York, which is something that is almost



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unheard of. There is a lot of demand for securities litigators and has been throughout 2015. Defending these cases has become a lucrative source of fees for law firms.

### **Why Was Securities Litigation So Active?**

There have been a lot of lawsuits over the past several years and many have brought lucrative settlements and verdicts. Large public companies are deep pockets and represent a significant potential windfall for attorneys who sue them (and always for the attorneys who defend them).

### **The Biggest Surprise**

The biggest surprise for me was just how active the market was at the associate level. Most markets have an equal mix of activity at the associate and partner level – with a few more associate openings than partner openings. Here, there was a ton of demand at the associate level. This is a sign of an extremely healthy market.

### **What Will 2016 Hold?**

The market seems as if it will continue to be quite active this year and stay active.

### **General Geographic Observations**

One of the most active areas of the country for securities litigation in 2015 was the Bay Area. In fact, Palo Alto, Mountain View and San Francisco were among the most active in the country—more so than New York. New York was the second most active. Chicago, Los Angeles and Miami were also active. All large cities had a good amount of securities litigation-related work occurring.

***Click here to search for Securities Litigation jobs:***

**[http://www.bcgsearch.com/attorney-jobs/pa-27/Securities\\_Litigation-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-27/Securities_Litigation-jobs.html)**

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**GOVERNMENT (EDUCATION LAW, MUNICIPAL LAW, INTERNAL INVESTIGATIONS,**



## **LOBBYING)**

- Percentage of BCG's 2015 Placements: 0.45%

The practice area of “government” according to our use of it is for attorneys with experience in tasks such as municipal law, education law, internal investigations, lobbying and and other branches of the law that directly (or indirectly) involve the government. In 2015, this was an active practice area and attorneys with experience here were all doing quite well in the market. There are a variety of attorneys that could be classified under this practice area. For the sake of expediency, I will discuss the most popular here.

As a preliminary matter, it is important to understand that these practice areas could all be even further broken down; however, what you see here is the “crux” of how we treat this practice area. This practice area did very well in 2015 and should continue to do well in 2016.

Education law attorneys were in demand in 2015. They have been in demand quite a bit the past few years. Most of the attorneys that specialize in education law are with small law firms and the work is typically not “high fee” related work. There has been some litigation dealing with for profit schools that has attracted several large law firms recently and they have done some “very selective” hiring of talented and well credentialed education attorneys, but not much. Since the fees of education attorneys are low, there tends to be less demand overall for them that recruiters such as myself see in the market.

Municipal law attorneys were in strong demand in 2015 and the market seemed to be picking up. Traditionally, municipal law work is done by smaller law firms, or more focused law firms, that charge rates that are not as high as large, prestigious law firms. Because the work is constant and seemingly never ending (bonds, employment disputes, and so forth), the municipalities demand lower rates and get them.

Nevertheless, there seems to be more interest in large law firms in these attorneys than I have seen in previous years. Many attorneys that are specialists in municipal issues have cities and towns as clients. These can be lucrative sources of business where they can be convinced to pay big firm rates. Many larger law firms throughout the United States were seeking municipal law partners in particular. The market for well-trained and experience municipal law attorneys



was very good throughout the country. Even at the partner level, attorneys without business were often getting multiple interviews.

Law firms in the municipal space are all generally hiring at all points in time, albeit selectively. This is a very good space for attorneys to be in, but as a general matter, the positions tend to pay less and large law firms do not tend to do the majority of this work.

Internal investigations attorneys were in high demand in 2015, and they are going into 2016. They were in demand in the largest markets—including New York, Chicago, Washington, DC and all of California. In some respects, this is the “hot practice area” at the moment and many attorneys are asking to go into it.

It should be noted that not all “internal investigative” work is criminal in nature and there are all sorts of internal investigations related to all sorts of matters that attorneys are hired to do.

Attorneys who do internal investigations all generally seem to enjoy the work a lot. I find this interesting, because you do not see the same enthusiasm for most other areas of law as you do this one. This may have something to do with the authority these attorneys have and how well they are treated at the places they are investigating and how they may even be somewhat “feared”. I do not know.

Lobbying attorneys were also in demand in 2015 and continue to be in 2016. While these attorneys are surely all over the country and in state capitals throughout the country, they have always been most in demand in Washington, DC, in particular. There are always a few law firms with openings and attorneys coming out of government positions (or other firms) always have access to them (provided they are in the correct political party). Some law firms have lobbyists that are primarily Republican and others that are primarily Democrat.

### **Why Was Government So Active?**

The practice area seemed to be active due to the fact that internal investigations and complying with various government mandates may have taken on a larger role in 2015 than in previous years. This is important to companies and complying with these regulations and doing this work has put them in a position where they are happy to hire major firms in major markets to carry out



these investigations. In fact, some of the highest charging firms in the United States are regularly hiring lateral attorneys to do this work.

Municipal law seemed to remain steady in terms of the workload in 2015 as well—and, in fact, increased. This may be due to more taxes being collected due to a better economy and work that was not being done now being done with more money in the economy.

### **What Does 2016 Hold?**

I believe that 2016 will continue to be active for this practice area. In addition, both municipal law and internal investigative-related work seem to be getting busier. Lobbying seems to have leveled off and has been very slow and steady for the past year. I do not see anything changing.

### **Geographic Considerations**

Most areas of the country are doing well in terms of having municipal law-related work. Work related to internal investigations appears to be especially strong in New York and Washington, DC. Lobbying is primarily centered in Washington, DC.

***Click here to search for Government jobs:***

**<http://www.bcgsearch.com/attorney-jobs/pa-5/Government-jobs.html>**

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### **TELECOMMUNICATIONS**

- Percentage of BCG's 2015 Placements: 0.19%

Telecommunications was at one time an extremely active practice area. Now the practice area is a fairly slow practice area.

Telecommunications-related work experienced a “boom” in the 1990s and then crashed so hard in late 2000 to 2001 that is difficult to overemphasize. In fact, the crash in this work was so severe that many people actually refer to this period as “the telecom crash” and not the “dot com” crash. The good thing about all “crashes” is that after they occur there are fewer of these attorneys



available. With fewer of these attorneys in the market, and the market having been wiped clean over the past 15 years, the attorneys that are left have access to the few opportunities that are out there and law firms look at them closely.

What struck me about the telecommunications attorneys I worked with in 2015 was how quickly they were able to get jobs and how picky they were about the opportunities in the market that were available. While there are not a lot of jobs out there, the jobs that are out there are not that difficult for attorneys to get.

An interesting fact about telecommunications law is that attorneys can often fluidly transition from the government to private practice (and vice versa). Many large law firms often hire attorneys directly from the government—some without even any formal law firm experience and training.

### **Why Was Telecom Flat?**

Telecom was largely flat because of the fact that there are just not a lot of new positions and the demand for attorneys is not that strong across the country.

### **What Will 2016 Hold?**

I believe 2016 will also be relatively flat. There is nothing to indicate that the market will be particularly active one way or another.

### **A Note about the Telecommunications Practice Area**

They are making very few new telecommunications attorneys. There are very few new associates being trained in this branch of law.

### **Geographic Related Considerations**

Almost all of the jobs for telecommunications attorneys have traditionally been—and still are—in the District of Columbia. In 2015 there were pockets of openings in other areas such as Denver, Atlanta, New York and San Francisco. At the beginning of 2016, all of the openings we have are in San Francisco.

***[Click here to search for Telecommunications jobs:](#)***



<http://www.bcgsearch.com/attorney-jobs/pa-15/Telecommunications-jobs.html>

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## **WHITE COLLAR**

- Percentage of BCG's 2015 Placements: 0.19%

2015 was not as active for white collar as it has been in years past. White collar is an interesting practice group because there tends to be a high number of people who want to do it and not a lot of openings. In addition, most law firms demand training that generally comes from the US Attorney's Office. In many cases, the roles of recruiters are minimized because attorneys often have their own connections inside of law firms (other US Attorneys who have gone back to law firms) that they use when they reenter private practice.

### **Why Was White Collar So Slow?**

I believe that white collar was very slow due to the fact that so many attorneys went into government in 2008 and 2009 and then wanted to return to private practice. Other factors include the number of attorneys who went into litigation in 2008 and 2009, when there were no corporate openings.

### **The Biggest Surprises**

The biggest surprise I saw was the dearth of openings compared to prior years. I was also very surprised at how difficult it was for many white collar attorneys to transition from the US Attorney's Office back to law firms – something that is not traditionally very difficult to do. I saw white collar attorneys with world-class credentials in law firms have a difficult time as well.

### **What Will 2016 Hold?**

I believe that 2016 will pick up for white collar attorneys since 2015 was noticeably slow.

### **A Note about the White Collar Practice Area**



White collar is a profit center for many large law firms. Many large law firms have had success with attorneys in this practice area. The lack of attention to this practice area may have been due to a general malaise surrounding litigation-related work that characterized 2015 at many firms.

### **General Geographic Observations**

White collar was strongest on the East Coast of the United States. In terms of recruiter involvement in searches, most of the demand came from New York and Washington, DC. I had candidates interview in these markets, but not in others.

***Click here to search for White Collar jobs:***

**[http://www.bcgsearch.com/attorney-jobs/pa-17/White\\_Collar\\_Crime-jobs.html](http://www.bcgsearch.com/attorney-jobs/pa-17/White_Collar_Crime-jobs.html)**

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### **ANTITRUST AND TRADE REGULATION**

- Percentage of BCG's 2015 Placements: 0.19%

Antitrust and trade regulation was generally not that great of a year and there were not a lot of opportunities. While there were a few associate opportunities in this practice area (in Washington, DC), the majority of the jobs that were available were for partners with business – which is where we concentrated our work.

### **Why Was Antitrust and Trade Regulation So Slow?**

Anytime you see a practice area where the majority of openings are for partners with business you know this is a bad sign. The reason this is a bad sign is because it shows that the law firms do not have any work in this practice area and would like some for the people that are there, or so they can hold themselves out and say that they do antitrust-related work.

### **What Will 2016 Hold?**



Going into the beginning of 2016, out of the thousands of openings our company has, only six of them were for antitrust. This tracked our experience for most of 2015. The market remains very slow all around and there is not a lot of opportunity.

One bright spot seems to be for UK firms in the United States and UK firms in Europe (hiring American attorneys). We saw some activity here. Partners with business in this practice area are also in high demand throughout the United States – particularly in Washington, DC and New York.

A final note: Because there are so few positions, the competition among the available antitrust attorneys in the market is generally fierce.

***Click here to search for Antitrust jobs:***

**<http://www.bcgsearch.com/attorney-jobs/pa-29/Antitrust-jobs.html>**

## Conclusions

The legal market in 2015 was strong and did very well. I do see, though, that there could be a slowdown in 2016. As interest rates increase, the economy may slow down. In addition, there has been talk of a bubble and many markets do appear to be slowing down.

There are some ominous signs from my perspective that seem to indicate that trouble could be on the horizon:

- Lots of talk of a bubble in Silicon Valley.
- Stronger demand for trademark and IP tech transactional attorneys, which have traditionally preceded busts.
- Rising interest rates, lower hiring numbers in the overall economy, the threat of terrorism and a slowing stock market.
- A sudden demand in the market that sets the tone of the economy (New York) for lots of bankruptcy attorneys.
- Huge demand for corporate attorneys and the willingness of law firms to bend the rules and lower hiring standards—which may also indicate a bubble.



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- The fact that 2016 is the next eight-year cycle in which things are likely to slow down and become recessionary, as they did in late 2000 and late 2008.

I am certainly not an economist or economic forecaster, but I do understand the legal market very well. In my humble opinion, if I were an attorney I would try and be in the most stable law firm possible in 2016, whether that means moving or staying right where I am.

The signs of a slowdown and the need for sense of urgency will generally start in New York or the Bay Area. The good news is that going into 2016 we are not seeing a massive slowdown in interviews or offers in either of these markets—yet.

**[Click here to contact Harrison](#)**

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