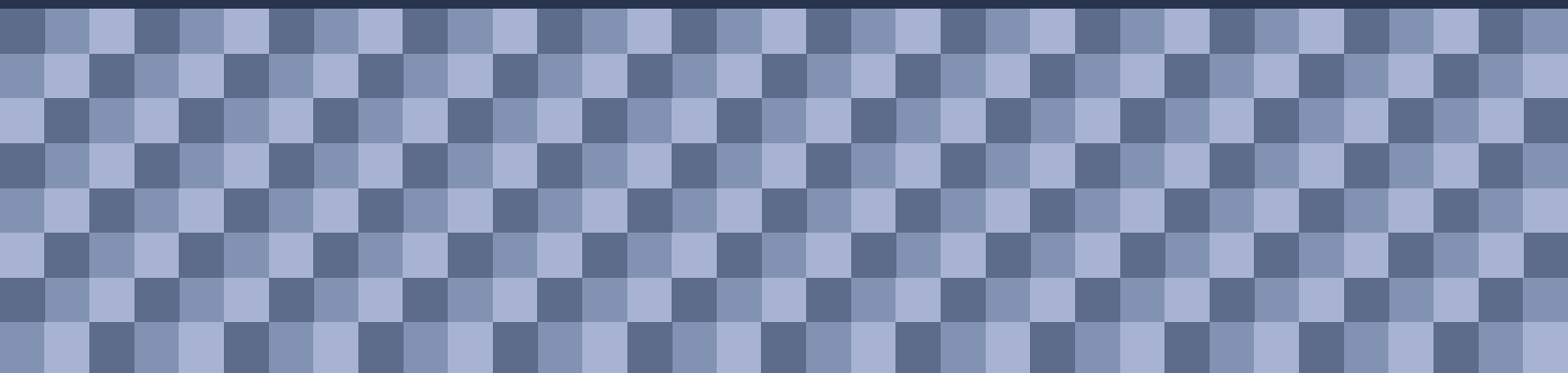


ATTORNEY SEARCH

ARTICLE OF THE WEEK

by Harrison Barnes, CEO of BCG



Top 20 Mistakes Attorneys Make When Choosing to Look for and Accept New Jobs

Summary: *Avoid making any of these major mistakes made by attorneys that are thinking about switching firms, as they could seriously damage your legal career.*

Recently I was looking for a new home and I called a good friend of mine, a very successful mortgage broker. My home was not even for sale, but one day a realtor called me and said that [Dennis Quaid](#) and his wife were interested in looking at my home. Since I had nothing to lose, I decided to see what would happen. Several hours after they looked at our home, they made a cash offer to purchase it – and I was not happy about it.

“I like my home!” I told the realtor. “I do not want to move!”

Over the course of a few hours the price they were willing to pay went up by almost one million dollars. I finally agreed to do it, but only on the condition that I be allowed one week to find a new home, and if I could not find a new home then I could back out of the purchase.

They agreed and over the course of the next week my wife and I furiously looked at all sorts of homes in our price range that we did not like as much. We drove all around town and spent hours looking at new homes. We made some offers and to our astonishment were outbid. Finally, we found a home we liked a great deal and were getting ready to make an offer.

We told the Quaid’s that we needed an extra day. Their response was that they were no longer interested in purchasing our home unless we lowered the price by \$700,000.

“Are you kidding? You mean that me needing one more day cost \$700,000?” I asked the realtor.

“You lost the momentum,” he said. “You should have taken the offer right away.”

I was bummed out, angry and a bit discouraged. Because someone had “made us an offer” we were excited to move and saw what our lives might have been like had we moved. We had allowed ourselves to envision ourselves somewhere else and had fallen for the trap of believing the grass was greener on the other side.

“In real estate, the first offer you get is almost always the best one,” the realtor told us. When something has been on the market a while it tends to get stale and not be as attractive.

I felt that I had blown it by not taking the first offer. Looking back, I probably did. A few weeks later, I received another offer. A family that had once rented our home made an unsolicited offer –

out of the blue. Since I thought a new home would be “fun” I decided to start negotiating with the family trying to buy our home.

When I called up my friend and told him what was going on he was pretty clear that I should have nothing to do with any of this: “There are too many ‘transaction costs’ with moving,” he said. “You already have a good mortgage, big enough house and if you move it is going to take hundreds of hours of your time that you could put to better use. Forget about it and tell the guy to have a nice day.”

I did not listen to him. Before I knew it:

- I was filling out loan applications,
- Talking to banks,
- Looking at more homes,
- Spending thousands of dollars making repairs to my existing home at the insistence of the buyer,
- Meeting with designers and contractors at potential new homes,
- Spending countless hours discussing what new home to get with my wife,
- Dealing with demands for last minute price reductions and other issues with the new home,
- Planning to stay with my children and wife at her parents’ home during work on my new home,
- Having meetings for septic permits,
- Hiring movers,
- Fighting with cable installers,
- Packing up my entire house,
- Picking out new appliances,
- Ripping out and replacing pee stained carpeting,
- Getting storage for things that will not fit in my new house,
- Sending furniture I cannot use in my new house to consignment stores, and
- Spending hours at Home Depot looking at tile, lights and other things that I needed for the new house.

When it comes right down to it, I am not even moving into that much better of a house. In fact, I probably should not be moving at all. Everything is fine right where I am and yet I have wasted countless hours and undergone untold hassle with the move. In addition, the new home I am moving into has all sorts of problems I am just learning about. Recently, we found some mold in the basement that we are going to need to get removed.

The home I am currently living in I know very well. I am aware of the few small things that are wrong with it, as well as the strengths and drawbacks of the neighborhood. I am learning now that there are lots of drawbacks to my new neighborhood and will surely learn more when I move in. Apparently, my new neighborhood (which is on the water) is popular with spear fisherman because the house is in front of a giant kelp bed. This means that there will be men in front of my house changing out of scuba diving equipment each day, and walking up and down the beach with spear guns. I am sure I will discover more drawbacks the longer I am there.

When you move from one house to another there are “transaction costs” and you do not know what you are getting into until you move. You are often better off where you are – and the whole process of moving can bring a series of upsets that you may not be prepared for. You may deal with bad people, you may be put down, you may have your ego hurt and you may end up at a place that is worse than the place you came from.

Since my entire livelihood is based around attorneys leaving jobs and looking for new jobs, you might be surprised to learn that well over half of the people I speak with I urge to stay right where they are. The slight majority of attorneys leaving firms do so for the wrong reasons. Like ravenous hounds salivating at the smell of meat, recruiters seeking commissions will often do whatever they can to try and get you to apply to new jobs. This messes with your head and is not in your best interest. As a recruiter I am motivated by karma, doing good and making positive things happen for people. Screwing up the careers and lives of people is not in my best interest at all.

If a recruiter is trying to talk you into leaving your firm and not challenging you to consider whether it makes sense for you to stay where you are, you should run for the hills. Leaving your current firm is often the worst mistake you can make and has destroyed more careers than I can count. There are too many transaction costs and unknowns. You should never leave your current employer without a rigorous self-examination. In fact, as I have written extensively elsewhere, it often makes perfect sense for an attorney to stay right where he or she is and never leave.

See the following articles for more information:

- [Why You Should Think Twice Before Quitting any Legal Job](#)
- [In Defense of Long-Term Employment with a Single Employer](#)

Here are 20 mistakes that attorneys make when leaving firms. When you are leaving a job—just like leaving a house—there are all sorts of invisible transaction costs that can hurt you. In my case, I am moving for reasons that make no sense and have just opened a can of worms unnecessarily.



MISTAKES RELATED TO LEAVING FOR THE WRONG REASONS

1. Falling in with a Negative Crowd and Leaving Because of Their Morale.

Many attorneys leave their existing law firms and join new ones because they say “morale” is low and “other people are leaving”—and so forth. If attorneys in the firm are angry with management, upset about the hours, or have other issues with the firm, they often believe the best way to “strike back” is to leave the firm and send a message. In addition, most people (attorneys included) are followers and will start looking and leave if other people they associate with are looking and leaving.

In every single law firm there are large groups of attorneys who have negative opinions of the firm, the practice of law and management in the firm. You need to decide whether or not you want to be part of this group. This group will exist wherever you go. There are people in every single law firm like this and if you are looking for them you will find them. This is typically the easiest group to join in any firm because the only requirement for entry is negativity. Joining this group will not help you. Spending time gossiping and worrying about negative news and seeing everything in a negative light will not help you. This sort of negative energy is contagious and will make you depressed – it is where the headspace of many attorneys is.

In contrast, keeping your head down and not worrying about negative news and supporting the team is the path you should be on. This is the path to success. If you decide to start looking because of negative news and morale at one firm, you will do the same at the next. There is always a negative crowd to associate with and you will find it at every single firm in the country. Leaving will not change morale.

NOTE: There are certainly circumstances where the morale at your firm may be so poor that leaving is your only option. Nevertheless, in general most law firms always have low morale to some extent and spending your time around people who do not have low morale is often your best choice. If your law firm is collapsing and this is the cause of the low morale then by all means look for a new job. This is rarely the case, however.

- See [The People You Work and Associate with Can Either Make or Break You](#) for more information.

2. Leaving Because You Receive a Poor Review, or Feel Unfairly Criticized.

Many attorneys leave their existing firms because they received a poor review and feel they are being unfairly criticized. Good law firms review young attorneys very hard because they want them to improve, to work hard and to be paranoid about details. If a law firm thinks you do not belong there or does not want you working there the firm will tell you to look for a job, or fire you.

Learning to become detail-oriented and a strong advocate for a law firm's clients is a process that takes some time. As you are criticized and your work is more and more carefully reviewed, you will become a better attorney. There are also numerous different types of personalities that you will encounter—some overly critical—and learning to navigate these personalities is also part of the process of becoming a strong attorney.

Attorneys who are not prepared for harsh criticism, or whose egos are not ready for this, never escape this by lateraling to a new firm. In order to become a strong attorney you need to overcome the criticism. This is one of the strongest things you can do and many attorneys spend their careers running from criticism and trying to put themselves in positions where they will never be criticized.

- **See [If My Boss Gets Mad at Me or I Get a Poor Review, Does This Mean I Should Look for a New Job?](#) for more information.**

I once hired an attorney who was one of the top five students in his law school graduating class – from a top 15 law school. When he had graduated from law school he had gone to work for a small law firm without high standards and then had gone in-house. He told me he had taken these jobs because when he had been a summer associate in a major law firm he felt the environment was “too critical” and “too demanding.” When I hired him he started to turn in work product that was sloppy and not thought through. I sat him down and spoke to him about his performance and he immediately quit. That had been his response to criticism and it held him back as an attorney. I was trying to help him and for whatever reason he could not take criticism.

I have seen this sort of thing with many people in my career. Often men and women may have had unusually critical parents growing up and do not want this in their lives when they grow up. Some people with critical parents cannot take it and “drop out” and start smoking pot and not achieving much. Others go the other way and do incredibly well in school and manage to get great jobs. When they get into great jobs and start getting criticized their old feelings come out and they end up “crashing and burning” because they cannot take this criticism.

I spend a lot of time getting to know people I have hired and I have seen these sorts of “father conflicts” with both men and women – but men in particular. Many men, for example, many not even speak to their fathers because there is so much built up anger and resentment of past criticism. They get into the work world and are smart enough, but cannot cope with criticism and do not reach their potential due to issues in their pasts.

Criticism is what makes you develop as an attorney and attorneys need to take a lot of it to get better. When I sense a fear of criticism in attorneys it is often too late. If you point this out to these attorneys they will take that as criticism and avoid you! People simply do not want to hear criticism and feel bad about themselves.

NOTE: If people simply do not like you at your firm and it is not a good cultural fit then you may be better off leaving. If people simply do not like you and this is clear to you—and if you cannot fix it—the best thing for you to do is often to leave. No question about it. You need to be able to tell the difference between people trying to develop you (for your own good and for the benefit of the firm) and people actually having it out for you. If people have it out for you then you generally should leave the firm.

See the following articles for more information:

- [Instead of Seeking Praise, Seek Criticism](#)
- [Criticism, Your Career, and Your Life](#)
- [Why You Should Be Suspicious of Flattery and Listen Closely to Criticism](#)

3. Leaving Because Someone Offers You More Money.

Many attorneys leave jobs and move because they feel like they are not making enough money. Leaving a position paying \$60,000 a year for one where you can make \$120,000 a year is generally a good idea. Leaving a position that pays \$60,000 a year for one that pays \$80,000, or one that pays \$120,000 for one that pays \$150,000, is something you should consider very carefully. There are tons of “invisible costs” associated with moving firms, and the firms that pay the most are generally not the best places to have a happy, well-balanced career.

Most major law firms that pay a lot of money do so to young attorneys because they are not going to keep them around for all that long—six or seven years maybe.

When you take a high paying job in New York City, for example, you are “front loading” your compensation. After a few years you may be making more money than you ever will again.

- You will also put yourself in a position where you will need to look for a job with a small law firm (that pays less), possibly outside of New York in several years.
- At that time you will need to enter a new environment where you will not be on the partnership track. Because the billing rate at your former firm was so high you will not have any clients.
- You will also have worked so hard over the past several years that you will be “tired out” and not as interested in a new race.
- If you are in New York you will have paid very high taxes, lived in a small apartment, possibly not have been able to save much money and might not have been able to start a family.

- You may be working so hard that you do not exercise or eat well and you might become very unhealthy.
- You may be so stressed that you develop bad habits and begin abusing alcohol and other substances and need antidepressants and anxiety-reducing medications to keep going.
- **See [25 Reasons Most Attorneys Hate the Practice of Law and Go Crazy \(and What to Do About it\)](#) for more information.**

When you emphasize compensation over other factors there is a price. The price is future security, your social and family life outside of work, your psychological health, your physical health and more. Not every big firm is like this, but this lifestyle certainly should not be “the dream.”

- **See [Why Attorneys with 5+ Years of Law Firm Experience Are in Serious Trouble \(and Seven Steps They Need to Take to Save Their Legal Careers\)](#) for more information.**

When I was 23 I had a good-sized asphalt business in Detroit that involved spraying hot and cold tar on parking lots, roads and driveways. The work was difficult and extremely exhausting. The tar would make a fine mist when I sprayed it and generally get all over my body and I would inhale it. It also got in my system. I would do the work all summer and if I was in the gym in the winter and sweating I could smell it coming out of me and my shirts would be stained. I was a walking tar man.

I also made a lot of money. Generally, I would not even leave my house unless I was going to make at least a few thousand dollars for a day’s work. The work was exhausting, back breaking and dangerous. Moreover, I was generally covered in chemicals all day and knew this could not be good for my health.

“Does this stuff cause cancer?” I asked the owner of the asphalt plant who sold me tar.

“Eventually, but it can sometimes take a few decades,” he told me. “Some guys I know have even been doing this for 30 years and have not gotten cancer, so you might never get it.”

Since I knew of at least one person who had gotten sick and died from the work, I knew it was time for a change. I had the choice of “front loading” my compensation and making a lot of money now – or going to law school and giving up a dangerous profession for less money now, but the prospect of more later.

When an attorney decides to work in a law firm for compensation reasons, the attorney is often setting him or herself up for failure. Something I see over and over is the best attorneys from the

largest law firms leaving the practice of law because they cannot take it anymore. In contrast, if these attorneys had joined a smaller law firm their careers would have been safe and they would still be practicing law.

Your goal in moving law firms should generally be to find more security, to practice with people who are likely to take care of you, and to be in a place where you feel you can grow and survive. The goal is to continue practicing law as long as possible and have the best career possible. The goal should not be to make as much money as quickly as possible. Careers can go on for 50+ years in the practice of law and your law degree is an asset. Making short term decisions about money is incredibly dangerous and can have horrible long-term consequences.

NOTE: Some law firms are simply cheap and there may be financial reasons to leave. For example, there may be firms that simply see you as a commodity that is easily replaceable. You should get out of firms like these as soon as possible. There are other law firms that will do everything they can to undercompensate you – or that are pinching your pay because they have their own financial problems. If this is the case you should get out – money does matter.

4. Leaving Because You Think It Would Be Fun.

Many attorneys move firms for no reason at all. It is exciting being wanted by others, meeting people in interviews, waiting for offers, getting offers and having new possibilities. Moreover, when you go to a new firm you have the opportunity to meet a whole slew of new and interesting people! If you feel slighted in any way you can just move firms!

While it may sound incredible, countless attorneys do leave their firms for no reason at all. They say things like:

- “It’s getting old.”
- “It’s getting boring.”
- “I would like more variety.”
- “I want to be around different types of people.”
- “It just feel like it is time for a move.”
- “I want to find something new.”

If an attorney has good qualifications and the market is right, then that attorney can often successfully move for no reason at all and do so successfully. The problem with moving for no reason at all is that when you do so you are not necessarily furthering your career. If you do move firms, the move should fulfill a much deeper purpose than simply jumping to another firm for fun. You should be moving because you see more potential for your future, more long-term

stability, a better chance of making partner, and more opportunities to do the sort of work you enjoy. These are all good reasons for moving and you generally only want to move firms when it is going to benefit you.

See the following articles for more information:

- [**When Is the Best Time to Make a Move**](#)
- [**Make a Lateral Move Wisely, Infrequently and with Good Reason**](#)

You also do not want to get the reputation of being a “job hopper.” When you continually are jumping between law firms it is going to make it more and more difficult for you to get each subsequent job. You will look like someone who is disloyal and is never really “on the team” wherever they go. New firms will be hesitant to make you partner, give you large bonuses, or keep you around when there are layoffs—because they will be under the perception that you will be likely to leave at any time and will never put down roots.

Some people are like this – with their jobs and with their relationships with significant others. Your personal life is certainly your own business, but in your career staying employed and progressing requires that people believe you will be around for a significant length of time and not suddenly leave. If you are in the habit of leaving for very little reason, this can undermine the morale of the firm you are currently with, create issues with clients due to lack of continuity with their files and can create headaches and extra work for attorneys having to hire new attorneys.

NOTE: A law firm job is generally something that to the extent you can you should never arbitrarily leave. If you do arbitrarily leave then you are going to hurt the goodwill you have generated, the loyalty the firm may have towards you as a result of all the hard work you did and the relationships and other connections you made. You will need to start this at a new firm and things may not go as well for you there. You need to be careful about leaving for no reason.

5. Not Staying in a High Paying Job Until You Absolutely Have to Leave.

I speak with attorneys who have been at the same law firm for 15 years and are making \$550,000 to \$500,000 a year – as counsel and as associates—and want to leave. They have plenty of work to do and the law firm likes them and gives them good reviews. They do not have to work particularly hard in their positions and people like them in their jobs.

They want to leave because they want to be a “partner” and get the opportunity to develop business.

I am perfectly fine with that and I think people should be able to rise, but at the same time they have employment stability and are making a ton of money. They say they want to [go in-house](#), they want to go to a smaller firm and so forth—but all of these things will pay much less and offer less stability.

There is generally no reason to leave if you have plenty of work, people like you and you are getting good reviews. What's the point?

I speak with attorneys like this every single week and I work with a lot of them and get them new jobs, often much better ones. The point is, however, if you are in a place that is secure and safe and you are getting paid a lot of money it is often not the best idea to leave. At the least you should think very carefully about doing so. Safety, security and money mean something and when you have this it can mean a lot. If you go to a new firm you will lose all of the goodwill and political capital that you have acquired. You will also be in a position that might not be as safe. You do not know what you will be facing around the bend.

NOTE: There is nothing wrong with being ambitious and wanting a better job. The danger you face is the risk involved in pushing out of your comfort zone and failing on the other side—which happens when you make bad career decisions more often than you might think. But if you are unhappy and really want something better you should always follow your dreams—no question about it.

6. Lateraling Based on Prestige as Opposed to Comfort or Opportunity.

The legal profession can be analogized to a Western European class system of 100+ years ago. There are so many levels of prestige in the legal profession it is incredible, and attorneys are acutely aware of these class distinctions. Because there are so many class levels in the legal profession, the majority of attorneys are almost always open to moving to better law firms when they can benefit from additional prestige.

The level of snobbery in the legal profession is amazing. When attorneys meet each other – like dogs sniffing each other's behinds – they will ask what firm they work at, where they went to law school and so forth to judge the relative pecking order of the attorneys they are speaking with. In these bizarre ritualistic encounters that characterize every attorney's life, one attorney is always left feeling more important or better and the other feeling the need to justify his or herself.

- “I never wanted to work in a large law firm.”
- “I went into insurance defense because I felt it was safer.”
- “I could have gone to a better law school but they gave me a full ride.”

Who cares! Nevertheless, this sort of class consciousness seems to hang over every attorney like a dark cloud whispering in his or her ear that the attorney needs to be better and work at a better firm.

Attorneys should really worry more about the work they are doing, the people they are around and whether they believe they can be successful in their new firms. These should be the primary motivating factors. Prestige is good, but if an attorney is motivated by prestige then the attorney is going to spend his or her life worrying about what others think and not enjoying the practice of law. Moreover, the focus on prestige distracts attorneys from committing to where they are and others in their current firms pick up on this and it holds them back.

If you are joining a firm for prestige reasons you are also missing all of the important elements that are likely to make you successful:

- Instead of being a big fish in a small pond, you may be a small fish in a big pond and this might drastically undermine your chances of advancement.
- More prestigious law firms typically make fewer partners and are more top heavy, which can undermine your chances for advancement.
- The more prestigious the law firm, the higher the billing rates and the more difficult it will be for you to bring in clients.

The best firms for most attorneys will be the firms in which they are most comfortable and in which they see the most opportunity for advancement. I believe the most prestigious law firms are often the most dangerous law firms to join because there is less opportunity over time.

NOTE: I am not saying that going to a more prestigious firm is not a good idea. The most prestigious law firms typically give you a “credential” that never goes away and can help you throughout your career. In addition, the most prestigious law firms have very high quality work standards and will provide you with a range of very high-level contacts that will remain with you throughout your career. Moreover, the most prestigious law firms will give you the opportunity to do work for more important clients and on more sophisticated matters. If your long-term plan is to go in-house, the most prestigious law firms are also often a very good bet for your career.

See the following articles for more information:

- [How Attorneys Choose Law Firms](#)
- [How Attorneys Destroy Their Careers by Choosing the Wrong Law Firms](#)



MISTAKES RELATED TO LEAVING AT THE WRONG TIME, OR NOT UNDERSTANDING WHY YOU ARE LEAVING

7. Not Moving When the Market Is Ready for You.

Many attorneys slave away unhappily in law firms for years in practice areas and markets where they are completely unmarketable. For example:

- Corporate attorneys are generally quite marketable when the economy is doing well and will be completely unmarketable when it slows down.
- Bankruptcy attorneys are marketable for a period of less than a year or so every seven to eight years and then demand for them slows down.
- Many practice areas like intellectual property litigation often are very active and then slow down.
- In smaller markets, there may be openings for attorneys in practice areas like ERISA very rarely.

The first offer I got on my home was hundreds of thousands of dollars more than the next offer I received. The sun never shines forever. You need to move when the market is ready for you. The market is not always ready for you. When it is ready, it is important that you get on top of it and do what you can to take advantage of it.

When attorneys start to realize they are marketable they often become very excited and often get over confident. They may decide they do not need to do anything at the moment and can move later. They may make unreasonable salary demands on firms that want them and are better fits for them. They may turn down offers on the belief that something better will come along. The market can turn very, very quickly. When it does, you generally want to be in a place with work.

I have seen markets in every single practice area literally fall off the face of the earth in less than a period of a week and stay there for years. It is always very ominous and you can see when it starts. What generally happens is our firm has a bunch of people interviewing for various jobs and all of a sudden all of the corporate attorney interviews stop and the people who went out on second interviews cease hearing whether or not they got offers. The work slows down and the firms become afraid. When this happens the slowdown can often last for years.

If you are marketable and unhappy where you are at—and see the opportunity for something better elsewhere—the smartest thing you can do is move firms and start the process right away. You are not likely to be marketable for long and the market always crashes for every practice area. You need to be somewhere safe when this happens, because when it crashes it does not matter who you are and you will likely be unemployable for a length of time. You need to strike while the iron is hot.



NOTE: Just because the market is hot and active for your practice area also does not mean you need to, or should, move. When the market is active you are in a position to move if you choose but may be better off staying put – the market always slows down. When it does, you are more likely to stay employed if you remain at your current firm where you have seniority, access to work, goodwill and people to protect and look out for you.

See the following articles for more information:

- [When Is the Right Time to Make a Lateral Move?](#)
- [When to Move to a New Firm?](#)

8. Not Applying to Enough Places and Not Interviewing at Enough Places.

Getting a full time job in a law firm as a lateral attorney is not an easy thing. It often requires you to speak with and apply to a lot of firms before you find a fit. Attorneys often do not understand how much work is required for them to get a position.

At the lateral level law firms are looking at a lot more than your law school grades. They are interested in how you connect with them, the work you have done, how stable they see you being, whether you have advancement potential, how much business generation potential you have and more. They get this information from your resume – and they also probe for this in interviews.

They are also receiving numerous applications for each opening that they have – and you never know what they are looking for specifically. Law firms may not like the law firm you are at because they are opposing that firm on a case, or may have a client conflict. You really have no idea what is going on and you should not worry about it at all. The only thing you can do is continue getting yourself out to firms and not give up.

Regardless of your qualifications, when you are looking for a position as a lateral attorney you need to look at several options and should never give up. Not getting interviews, or not getting hired generally has very little to do with you and should never be taken personally. Law firms are looking at multiple people. While calling a job search a “numbers game” is not accurate, it does require you to look at lots of places to find a fit.

Imagine you are on a dating site. If you were on a dating site you might look at 50 people before you saw one you liked. Then, you might correspond and meet with several people before you found someone you liked as well. This is how it is with law firms. Often, there is nothing wrong with the 49 people who did not get interviews – they were just not the law firm’s type.



Ideally, you should not take the rejection and lack of a “fit” in the job search process too seriously. Obviously, you want to be attractive to employers and need to do your best. The danger comes when you attach your self-esteem to the process and take it personally. It is not personal – it’s business. Law firms want to hire the best people for the job they can.

This is one reason why it is important for you to get yourself out to a lot of places. By getting yourself out to a lot of places you increase the odds that a firm that is a “match” will find you. A good recruiter’s job is also to make the case for you that you are as attractive as possible to the law firms you are applying to and they understand your strengths. Ideally, if the recruiter is good at his or her job your odds of success with each employer will be increased as well.

Many attorneys go into job searches believing they need to drastically limit the number of firms they are approaching to “protect their brands” and ensure that their resumes do not get around. This is largely a “fear based” approach to a job search that has no basis in reality. When you apply to most major law firms your resume and application materials are generally not seen by more than a few people and they are looking at hundreds of resumes a week. Not only do they not remember who is applying—they generally do not even care and the last thing they have time to do is talk about who is applying to their firm. Doing this is something that is looked at extremely negatively in the legal profession and it generally does not occur at all.

Here are some things you need to understand:

- If one of the largest law firms in a city like Detroit has an opening for an ERISA associate, the odds are that if there are 10 ERISA associates at that level in other big firms, close to half will apply. Openings do not come very frequently and when there are openings people are all over them.
- When there are corporate and litigation openings at major law firms in New York City, the firms receive applications from associates in just about every other major law firm in the city.

No one cares if you are looking for a job because tons of people are. You need to get over yourself and your reluctance and move on, because it is an extremely competitive market and you need to apply to jobs to get them. I have seen far too many careers ruined, stalled and limited by not doing an aggressive job search than I can count.

NOTE: There is nothing wrong with applying to only a few places if you already have firm connections somewhere and are confident in your decision. The issue is that when you only reach out to a few places you do not have different personalities, types of work, financial offers and so forth to evaluate and this can hurt you.

- See [Why Every Attorney Needs to Apply to a Lot of Places \(and Not Give Up\) When Rejected](#) for more information.

9. Getting Discouraged after Getting Rejected and Not Continuing with Your Search.

Many attorneys get discouraged when they test the waters of the market and do not get something right away. Nothing is more important in a job search than perseverance. Many attorneys are in jobs where they are unhappy because they did not persevere when the market did not cooperate. The market does not cooperate for a variety of reasons and it generally has nothing to do with you. A rejection from a law firm is not a serious thing and can happen to anyone. You should absolutely not worry about getting rejected and always keep your head in the game.

I see attorneys take their heads out of the game when searching all of the time and it is discouraging because it is like they are stopping two feet from gold. Generally every attorney I work with gets a position if I continue working with the attorney long enough. The only limitation on your success is giving up. Perseverance is one of the most important qualities that any attorney can possess. Clients want to hire attorneys who are persistent and persistence is something you also need to carry over into your job search.

See the following articles for more information:

- [Dealing with Rejection](#)
- [Dealing with Rejection: Job Searching in a Dating Context](#)
- [The Fear of Rejection and Your Career](#)
- [Frustration, Rejection, Sylvester Stallone, and Rocky](#)

10. Not Taking the First Job Offered.

When an attorney is searching laterally it is rare for the attorney to be entertaining several offers at the same time—it happens, but it is rare. Law firms take lateral hires more seriously and are very cautious and plodding when it comes to them. They are also generally made under the assumption that the attorney will take the offer. There needs to be more chemistry and a better fit than there typically is when someone is hired out of law school. The firm takes a lot of time to understand your experience, how you would fit in with the culture and whether or not you will succeed there. When an offer comes it is generally the product of a lot of thought, debate and is something that is not handed out easily.

When an attorney turns down an offer the attorney puts him or herself in a position where the attorney may not get a better offer again – especially in a small market. I have seen attorneys

turn down offers and then spend the next year trying to get another one just as good and with a firm that they are as comfortable with. Firms are very careful about making offers at the lateral level. If you want to leave your firm and receive another offer that you like, you should be quite careful before turning it down.

Turning down an offer that is good and represents mostly what you want can be a huge mistake.

NOTE: Some candidates will automatically get a lot of offers if they have extremely strong backgrounds and law firms may hand them out a bit recklessly in good markets. For example, in Silicon Valley a corporate attorney with an incredible educational and work background at the right class year will get lots of offers in a strong economy. Notwithstanding, this is rare. If you are a strong enough candidate and you know it—then turn down offers you do not want by every means. I’ve had candidates turn down 5+ offers and continue to get offers (I am not proud of this, because it is better for a firm to only make an offer if it knows you will accept it). Nevertheless, the legal market is such that there are generally not a lot of offers for attorneys of a given class year in a given practice area and a given location to go around.

11. Taking the First Job Offered.

Attorneys also need to be extremely careful about taking the first job they are offered. I deal with candidates relocating from major markets to areas where they grew up all the time. It is generally a city like Albany, Minneapolis, Grand Rapids or Nashville (normal American cities) where people are from and are returning to. These markets typically have some large regional and/or national firms in them and typically a bunch of small and not-so-good firms in them. Because these are not huge markets, the major firms typically do not have needs all that often and an attorney relocating from Atlanta to Nashville may need to do a search that is six months or longer to get a good position. The firms may not be interested in the candidate right now, but might be in a few months (or longer) when they do have an opening.

What generally happens is that some small and not so good firms will express interest in these candidates almost immediately and some may only do a phone interview before making an offer. Believing that this is the best they can do, the attorney may accept the offer and move to a third rate firm in their city. This is generally not a good situation and often does not end well. Taking the first thing you are offered can be a disastrous and very dangerous decision.

There is nothing wrong with joining a firm that is not at your level, of course. What is wrong is joining a law firm because you feel you have no other options – when you can do better and will do better. Time and time again I see attorneys make horrible mistakes with their futures and join the wrong law firms because it is the first thing they are offered.

NOTE: For some attorneys taking the first job offered may be the right thing to do. But you



should never take a position if it feels wrong. If the position somehow feels like one you will leave eventually, or that you could do better, you should not take the job.

12. Not Understanding Where the Law Firm's Work Comes From.

When you move to a new law firm it is important that you understand why the firm has a need for you. If there is a long-term need supported by multiple clients and the firm is "institutional" in nature and has a lot of work that is generally a good thing.

But there could be some real dangers beneath the surface that you should look out for. When you move firms you always need to understand the reasons the firm has a need, because those reasons could be your downfall.

- Many law firms have needs because they have one big case they are working on. When the case settles or goes away they will likely let you go unless they get other work. I've seen entire law firms go out of business when a single case settled.
- Many law firms are also highly dependent on getting work from a single client—regardless of the practice area. I once saw a high-flying law firm grow to over 50 attorneys servicing health care clients and then go away almost overnight when the client decided not to use the firm anymore.
- Many law firms may be branch offices dependent on work coming from the home office. Other law firms may be very strong in one practice area and get most of their work from there.

You need to know why the law firm needs you and where the work is coming from.

13. Lateralizing to a New Firm to Work for Someone without Understanding What Working for that Person Is Like.

If the people in the firm are generally happy and there have not been a lot of departures that is a good thing too. I once knew of a woman partner whom a law firm repeatedly hired associates to work for. The woman was so toxic and difficult to get along with that attorneys hired to work with her almost always quit and were so "battle scarred" from working with her that they did not practice law ever again. You need to understand things like whom you are replacing, why they left and more before you join a new firm.

There are attorneys and groups of attorneys inside of every law firm who are notoriously difficult to work with and need to be avoided. In most major law firms in every city there are attorneys who are notoriously impossible to get along with and have done significant damage to the careers of attorneys unlucky enough to work with them.



You need to know whom you are going to be working for.

14. Lateralizing to a City without a Lot of Work or a with a History of Booms and Busts.

Some attorneys in their search for work end up looking at a lot of different locations – and get jobs in areas of the country whose economies they do not understand. There are some areas of the United States that have a tendency to get busy due to oil, information technology, capital markets and other types of work that then can slow down suddenly when economic conditions change. You should always understand what the economy is like when you accept a job in a new area, because this will affect the availability of work that you have.

Silicon Valley, New York and Houston have a history of becoming extremely active when the economy is going their way and then virtually shutting down in a bust.

In addition, you need to understand that you may get a job in an area that is simply very slow without a lot going on. There are law firms in every city and town in America and some are busier than others. If you take a position in smaller market, or a depressed market, you will permanently limit your advancement and income potential: There is simply not a lot of sophisticated work available in many small markets and clients do not have as much money to spend.

15. Lateralizing to a More Prestigious Firm on the Way Down.

There are points in time that firms that were once big names in the legal profession are on the way down. Their profits are decreasing, there are major partner defections and all sorts of problems. These firms will still hire laterally for various positions because they still need people to do the work – but these firms are dangerous and going to them can be a disaster for your career and they are generally best avoided.

Attorneys who want to work in a more prestigious law firm, who are relocating, or who simply need a job often find the “brands” of these firms quite attractive. Nevertheless, these firms can be extraordinarily dangerous because they are on a slow downward trajectory that often will include layoffs and potential closure. Moreover, there are often very few opportunities for advancement at firms like this.

- See **Choose an Employer Who Is Marching Forward** for more information.

16. Lateralizing to a Weak Branch Office.

Attorneys often lateral into big name law firms with weak branch offices. The name of the firm sounds attractive, but they know very little about the branch office – how stable it is, the office’s clients, whether it is self-sustaining or not and more.



Giant law firms close branch offices all the time and a poorly performing branch office can be very harmful. Many branch offices are staffed by partners with no business who are dependent upon work from the main office.

Many branch offices are started by absorbing poorly performing or problematic groups of partners from other firms in a city where the firm wants to open a branch office. These branch offices are then composed of partners who bring their problems and ways of thinking to the new firm. In the early stages (before the main office figures out what is going on), these branch offices can be pretty dangerous places. The culture these partners set up can often create long-term problems in the firm as well.

In addition, there are some branch offices where it can be exceedingly difficult—if not impossible—to make partner. There are some branch offices of major law firms that have been there for 20 years and more and never made a partner. Before you join any branch office it is important to understand whether or not the branch office is a strong one or not. If you are working in a branch office and your future is dependent upon people in another part of the country that is dangerous. Attorneys working in branch offices often never even meet the decision makers within their firms.

17. Lateralizing to a Firm That Is Not Cohesive.

Some firms are composed of partners who are all independent businesses. A full 100% of their compensation is determined by the work that they bring in. Partners do not share work with others or they do so only rarely. This exists in all firms to some extent; however, in some firms the independent business aspect of how the law firm is run is so pure business that there is little culture. The only thing that matters is money and this driving force dictates how people behave towards others. In other firms, the litigators may hate the corporate attorneys and they may not get along. The varieties of problems inside law firms that create independent fiefdoms are too numerous to mention. Some law firms do a better job creating uniform cultures than others.

If you enter a law firm that is not cohesive you will find yourself in a situation where you are likely to have a very difficult time navigating the politics of the firm to get ahead. If you are a partner in a law firm like this you are also likely to have difficulties because there are very few safety nets if you do not bring in money consistently. These sorts of law firms generally self-destruct because there is very little that is holding them together at a cultural level.

18. Lateralizing to a Firm with a Young, Aggressive Inexperienced Management Team.

Many law firms are run by young managers—either as new law firms, or as people who have taken over management of an established law firm. These managers often do not have a lot of experience and they often have a belief that they should be making as much money as possible.

Young, inexperienced managers frequently make a lot of mistakes and it is not a good idea to be in their way when they are trying to run law firms.

I have seen legions of start-up law firms become successful and then flame out under bad, young leadership. I have also seen lots of older, more established law firms hurt by poor decisions made by younger managers. This is not to say that all young managers are bad. What they lack, though, is experience, and experience often comes through having made mistakes. If you are unfortunate enough to be working in a law firm with young managers you are generally going to see some ups and downs and they could impact your career negatively.

19. The Longer You Are with a Law Firm the More Loyal the Firm Is Likely to Be to You—If You Have a Long History with a Law Firm You Should Be Careful about Leaving.

In law firms, the last hired are generally the first go when the market slows down. If you have a long history with a law firm and worked there as a summer associate and then for several years after law school, leaving is something you should consider carefully: The law firm generally protects and is more loyal to people it has a history with than those it does not. Law firms like continuity and protecting their institutional memory and history. After you have been at a law firm for a long period of time, the law firm is likely to stand behind you and make efforts to protect you that it might not do if you did not have so much history with the firm.

In your legal career—as both a partner and an associate—you need advocates and people around you who are likely to stick up for you. If you have these people and have spent a lot of time at your firm you may not want to leave.

- If you understand the power dynamic in your firm and how to rise within it you may not want to leave.
- If you have people to give you work, share business with you and help you develop business you may not want to leave.
- If you have lots of friends and close co-workers you get along with you may not want to leave.

The problem with leaving a law firm when you have been at one a long period of time is that you will go to one where you do not know how things work – and where you don't know who is in power. You may not have anyone there to protect you – and this is dangerous as well. You may not have people to give you work and you may need to develop channels for this as well as other things.

Being at a law firm for 10 or more years is like being married for that long. If you are leaving a marriage you better be 100% positive that you are going to be happier leaving than staying.



20. Leaving Can Make You Look Disloyal If You Do So Too Often.

If you move every year or two, this is generally not a good thing after you have done this several times. The reason is that most law firms know that someone who moves this often is likely to continue moving and move again. If you are continually moving like this then the problem is most likely not the places you have worked. The problem (law firms believe) is likely to be you.

Before you move to a new firm you should think of it like a marriage. In a marriage you do not want to marry someone you know you are going to get divorced from. This does not make any sense. A law firm is the same way. I talk to young associates and others every day who I can tell are going to leave their next firms in short order as well. They are noncommittal for their reasons for looking at new firms, are not even sure they want to practice law and lack the commitment to hunker down and do well in their next firms.

They move a few times—assisted by their pedigrees—and then the movement stops and there is a gap on their resumes because the next employers know that if they hire the attorneys they will end up leaving soon. Leaving messes with clients, it messes with the morale of other attorneys and the firms know they will not get much time out of the attorney before he or she checks out and starts looking for a new job. In addition, the firm reviewing the attorney may also have suspicions that the attorney may be a poor attorney or have other issues that do not come through on their resume.

You need to be very careful about moving firms, because if you do it too often you start to look like a bad attorney who is a liability.

Conclusions

The “transaction costs” of moving firms for attorneys often do not equal the corresponding justifications for those attorneys staying with their current firms. Before you decide to move firms, you should make sure that you understand the risks that go along with the important decision to do so.

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