

3 Questions Frequently Asked by Corporate Attorneys about Career Changes

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Litigators are in one of the toughest segments of the law.

They write massive amounts, review documents and in general work very hard.

But litigators are also in demand.

This is why you should consider the facts in this article before leaving the legal world to start your own business.

Summary: Are you a corporate litigator thinking about making a big career change or switching practice areas? Read this article before you do.

I am a graduate of a top three law school. My grades from there are average (middle of the class). I went into corporate law because I plan on running my own business someday and I thought a knowledge of corporate law would be useful. On the other hand, I preferred litigation (I worked at a legal aid clinic while in law school, both summers I did litigation work). I have been very disenchanted with corporate work because as a second year associate in a large New York firm, to date I have done very little that would be really useful in running a business. In fact, I feel the most useful things to that end that I have done as a corporate lawyer have been the kind that any good paralegal could take care of.

In any event, things are really slow in the corporate department and I have found myself twiddling my thumbs a lot. The paucity in my corporate position aside, I am not enchanted with corporate work and would like to switch to [corporate litigation](#). My present firm has a pretty good litigation department, but they have sent all of the incoming class into litigation, so there aren't any places. I also want to start afresh somewhere else. Here is what I am wondering before I make the switch:

A. Would I learn anything doing corporate litigation which would be useful if I started my own business?

B. Do litigators ever go in-house?

C. Do I stand a realistic chance of switching to another firm entirely to do litigation?

A. You will not learn much useful in starting a business as a litigator unless your goal is to start a law firm.

The job of litigators in large firms involves a massive amount of writing, reviewing documents and learning various procedures for doing this. Certainly you will have the opportunity to speak with the business people who are your clients. You may even get to meet some of these clients in addition to speaking with them. For the most part, though, the majority of the time you will in all likelihood be looking at a computer screen and writing and modifying various documents. Do not forget about being careful with details! Do not forget about meeting important deadlines! Do not forget about billing a lot of hours! Do not forget about making sure the partners like you! Does any of this sound like it has anything to do with the type of business you want to start? If not, you may already have your answer.

With one exception, the work a litigator does has little correlation to the type of work you would do as an entrepreneur starting your own business. Certainly learning how to litigate cases might be useful if you started your own business. But people with their own businesses generally hire attorneys to litigate cases for them because they want to spend their time running their own businesses. Think about this too. In our

opinion, if you want to start a business, you should go ahead and do this now rather than waiting. You are going to learn very little in a law firm-whether you are a litigator or a corporate attorney-that is ever going to be of any meaningful use to you in starting your own business.

There is an exception to this. If your goal is to start a business, why not [start your own law firm](#)? This is the classic "lawyer business" and, make no mistake about it, a law firm is a business. You can start this business small and grow it over time. As you grow this business, you will be responsible for such decisions as marketing, hiring and firing, payroll-you name it. If you choose a law firm as the business you would like to start, your knowledge of litigation could be quite helpful. As the founder of a small law firm, you would be helped immensely by having training in both litigation and corporate law, and your learning would not be wasted. You could even market this skill if you wanted to.

B. [Litigators go in-house much more rarely than corporate attorneys.](#)

Litigators do go in house. They go to work for large corporations, insurance companies and a wide variety of other types of employers. As [in-house attorneys](#), litigators most often assist in the litigation of cases, evaluate a variety of claims against the company, do research and give litigation-related advice. In larger corporations, litigators manage outside counsel and work to keep costs down.

Corporate attorneys are in much more demand in-house because they can also do a great deal of corporate governance and other work necessary for the running of a company. It is for this reason that most in-house attorneys have a corporate background. Litigation is less frequent than the activities in-house attorneys must perform in the day-to-day running of a corporation.

If you want to go in-house, the amount of experience you have as a corporate attorney will also determine how useful your litigation experience is likely to be when you seek to go in house. If you have more than three years of corporate experience already, a couple of years of [litigation experience](#) could make you a good candidate for an [in-house position](#) because you will have an added extra dimension to the work you can perform for your in-house employer.

C. [You will have a difficult time switching to another firm to do litigation.](#)

Many corporate attorneys are in the process of doing a lot of soul searching right now due to the severe unavailability of work in many corporate departments. At the outset, we should note that switching into litigation from corporate might be a good idea because it could literally save your career if the work is drying up drastically at your current firm. As you may be aware, a tremendous amount of layoffs are occurring in the legal profession right now and the overwhelming number of these layoffs are of corporate attorneys. Can you switch to litigation by moving to another firm?

[Switching to litigation is not something that will come easily-despite the fact that you are a graduate of a top tier law school.](#) If you are less than a couple of years out, then it will be much easier for you to switch to litigation. If you have been practicing more than two or three years, it will be much more difficult. The reason for this is that firms are going to want to train you in their own unique style. If you have more than a few years of experience as a corporate attorney, many firms will operate under the assumption that you are now "set in your ways". In addition, you should not expect to be treated at the same class level if you make this switch. In all likelihood, any firm that hires you to do litigation work will expect you to start as a first or second year.

Firms are going to be asking, "Why did you go into corporate law if you wanted to do litigation in the first place?" In the general slowdown in work in the corporate field, most law firms are going to perceive your desire to switch practice areas as being done merely to save your job. Nevertheless, some firms might be open to this. If this is something you want to do, it is certainly worth a try.

In making this switch it is important to note that you are unlikely to end up at as prestigious of a firm as you are currently at. While we are assuming you are currently at a high-caliber firm, most of the firms at this level are not going to be all that open to you joining them after having switched practice areas. A smaller firm,

however, will likely view you as a "good catch" and, if we had to guess, this is where you would likely to end up if you tried to do this.