

Senior Patent Attorney in a Mountain State Losing His Position and Looking for a New One

By Harrison Barnes from Los Angeles Office Managing Director

I was approached by a senior patent attorney in his late 60s who was losing his position in the office of a major national law firm in a Mountain State. The attorney had been an engineer for over two decades before attending law school. The attorney was very surprised to have lost their position and was told that the law firm they were working for was phasing out patent prosecution.

When I first spoke to the attorney, they were very negative about having had lost their job and believed they would likely be out of work for the rest of their career. They were also negative about working in law firms because of the experience they had when their previous law firm phased out patent prosecution.

The attorney held experience in a hard science discipline and had been doing the same work for over 40 years. In fact, this was such a niche skill that I knew that if I was able to find a firm that did this sort of work that the attorney would likely be able to find a position.

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One of the benefits that we offer our candidates at BCG Attorney Search is that we maintain a database that contains every position we have come across. In this case, I did a keyword search for the type of electrical component that this attorney used to work on and found a few firms that did this sort of work. One of the firms was in a southern state that the attorney had never visited. The attorney authorized me to contact several firms on his behalf and, to his surprise, the firms that had a strong practice area dealing with the electronic circuits he did were interested in.

The attorney received two offers and ended up taking one in a smaller market in the South. He was very surprised that we were able to find this firm for him and stated that "the firm fit him like a glove." I was very happy that I was able to find such a great opportunity for the attorney. The nice thing about the firm that hired the attorney was that they were an intellectual property boutique and did not have any interest in getting away from patent prosecution. The attorney also found a nice market where they were comfortable and enjoyed living.

Patent prosecution is an interesting practice area the place attorneys in. What makes patent prosecution unusual, is that it is such a fluid market and so unpredictable. For example, many large law firms are getting out of patent prosecution because the work becomes commoditized and many clients will not pay hourly rates and expect the work to be done at a flat rate. Conversely, the same law firms prefer to do patent-related litigation where they can bill high hourly rates for an extended period. Many smaller law firms end up doing a lot of patent prosecution because large law firms are no longer interested in it. It used to be that attorneys from small intellectual property boutique are all wanted to move to larger firms, but now the opposite is often true, and the opportunities are in smaller firms, not larger ones. That certainly was the case here.

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