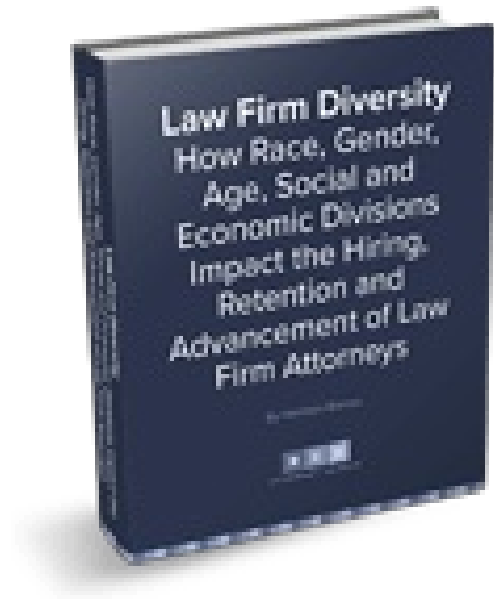


Chapter 10: And the Legal Beat Goes On

By Harrison Barnes from Los Angeles Office Managing Director

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After leaving the federal judge in Bay City after I graduated from law school, I didn't want to call Reid & Priest and explain why my clerkship had ended after only one year and not two, so I decided I might as well look for a job in California before searching in New York. I could live wherever I wanted at this point in my life, and Los Angeles was warm, had great law firms, and seemed to be the opposite of New York, which was hectic and loud and filled with New Yorkers who were rushed and abrupt. I sent out letters to as many law firms as I could find around Los Angeles.

Several good law firms called me. My grades had continued to improve after my first semester, and I made Law Review during my third year of law school. That, combined with my clerkship, made me attractive to law firms.

One of the first LA firms I interviewed with was Quinn Emanuel, a firm that did trial work. The firm had tried to recruit me while I was in Bay City. I liked the firm and its people a great deal and felt that it was a perfect fit for me. The hiring partner, Bill Urquhart, had gone to Fordham, so I talked some more about Jesuits when I met him. The head of the firm, John Quinn, was a Mormon, and I had at one point considered becoming a Mormon, too. To my astonishment, one of the attorneys who interviewed me was chewing tobacco.

Back then, Quinn was a great place with a great vibe. The attorneys were interesting, hardworking, and well qualified. The firm took on important and sophisticated work, and the atmosphere was fast-paced yet far more casual than the atmosphere at Reid & Priest or in the courthouse. Quinn attorneys were concerned with the big picture and finding the best arguments. They talked through ideas and concepts with enthusiasm. I made a lot of friends at the firm quickly.

It was an egalitarian place, with attorneys and staff of all races, women partners, and lots of diverse associates. The only thing the firm seemed to care about was whether its attorneys could do the job well, not their social class, race, or gender. The partners were open to all sorts of ideas. They were nonjudgmental. There was no dress code, and people accepted you for the person you were. It was a remarkable place in all respects.

The atmosphere of a law firm can make all of the difference to an attorney's career and happiness. I felt at home at Quinn--something I had not experienced in my previous positions. Being around smart, enthusiastic people who have a lot of important work to do matters.

One day a legal recruiter called me to try to interest me in other jobs. My grandfather had attended the University of Michigan with Thomas Dewey, the founder of Dewey Ballantine, and my father had always said I should work at that firm if I could. At the time, Dewey Ballantine and Skadden Arps were paying salaries that were half again more than any other firms in Los Angeles. They were New York-based law firms with deep pockets and huge clients. I told the recruiter that if he could get me an interview with Dewey, I would go. That was the only firm I was interested in.

When I spoke with someone from Dewey, I found it to be the exact opposite of Quinn. Quinn's offices had exposed ceilings and bright yellow walls, there was no dress code, and all sorts of motivated young partners practiced law there alongside a diverse workforce. In contrast, Dewey's offices were paneled in dark wood, the partners were older, and everyone wore suits and acted uptight--you could hear a pin drop in the halls because there was no good cheer or humor. The atmosphere reminded me of Liggett's. Yet I felt like this buttoned-down environment was something I needed to conquer to put my past behind me.

I had been so happy at Quinn, but making a much larger salary and being associated with an older, more prestigious firm with traditions and a well-known name appealed to me. I knew in my heart it was the wrong decision to leave Quinn, but something pushed me toward the establishment.

When I gave notice at Quinn, several partners told me I was making a mistake. Even John Quinn came by my office and closed the door once inside. I said I was not getting any trial experience, and he told me he would get me on a trial within six months. He did not understand if that was the reason I was leaving to go to Dewey, because he knew who was in court a lot--and it wasn't Dewey attorneys. He was very nice to me. I should have listened to him.

I took a week off between jobs. During that time, I listened to Anthony Robbins tapes; I had been reading Anthony Robbins and other self-help books throughout college and law school, and they were part of the reason I did so well. They helped me improve my grades and self-confidence and to become better at everything I did. I used a goal-setting structure learned from those tapes to set achievement goals for my time at Dewey. I believed I would need all the self-confidence I could muster to succeed in an environment that had stifled me before.

Once at Dewey, I thought I had made a good move, but then I realized that it was a strange place. For my first few weeks in the firm, there was no work to do. The partners seemed nervous, and I did not know what was going on. The associates I met were not as friendly as those at Quinn. I ate alone my first several days there and hardly spoke to anyone.

Human resources people abounded at Dewey, managing every aspect of my transition into the firm. They sent me for computer training; they gave me a name badge; they gave me forms to fill out. They put a nameplate on my door that said "Mr. Barnes"; everyone in the firm had a nameplate on their door. The firm was very organized and run like a large company, with sterility and formality. I imagined and led myself to believe that this was what BigLaw should be like.

The rules involved in working successfully at a major law firm made themselves apparent to me. One rule is that associates should never question the work they are given. If job security is important to them, they should do the work they are given. This is not to say that other considerations are unimportant, but if they become more important than job security, an associate should consider different career options. At major firms,

associates are not paid to question; they are paid to do the work they are assigned.

Partners make their living and law firms flourish by doing as much work as can be done on most matters and keeping clients happy while doing so. Don, a senior partner, for example, gave me lots of memos to write. This was not the sort of work I did at Quinn, but it was effective for Don and for Dewey. The more I researched a matter and drilled down on it, the more likely we would find a result that would help the client. Don had never lost a case. His method of writing expensive memos for clients who were willing to pay for them was something that produced results.

A few months into working at Dewey, I realized that the firm was shrinking and partners were losing their jobs because they did not generate enough work. This scared me. If I stayed at the firm, I would be investing my time into a position that could be ephemeral. It became clear to me that regardless how hard I worked, I could lose my job when I got older. Working in a law firm where there is not a lot of work to do is not a happy thing.

While we were in the doldrums, someone from Dewey's New York office flew out and announced that a huge group of attorneys from a Los Angeles law firm, Paul Hastings, was going to join Dewey. This was exciting news because we hoped this meant we would have more work. Our branch office leased an entire floor in anticipation of the arrival of these attorneys.

Instead of the forty or fifty new attorneys Dewey planned on, only ten or fifteen showed up. Paul Hastings had learned about the move ahead of time and had talked the majority of attorneys into staying there. Even when the new attorneys arrived at Dewey, it was immediately clear that they had no plans to share work with any of the existing attorneys. I tried to get work from them on a few occasions and was always politely refused. They operated as their own little economic unit and did not share hours or work with Dewey attorneys.

With the way law firms are organized, partners give work only to attorneys they trust and protect only attorneys they are close to. The Paul Hastings attorneys were a close-knit group, they were all friends outside of work, and they had no interest in sharing their work with the attorneys at Dewey.

At the same time, another interesting dynamic was developing at Dewey. When I had first interviewed with Quinn, Bill Urquhart asked me which other law firms I was interviewing with. Several of those firms were branch offices of larger firms based in different cities. Bill said something I will never forget: "Never trust branch offices." I had no idea what he meant, but I figured it out at Dewey. Attorneys at the New York Dewey office did not trust the attorneys at its Los Angeles branch, so they gave work to other Los Angeles law firms, not their own branch office. It must have been demoralizing to the partners at our office, who were struggling for work billing out at New York rates.

The rates a law firm charges have a lot to do with the sort of work the firm can bring in. Dewey was charging rates that were at least 50 percent more than what most large LA law firms charged. Because of this, it could only bring in large clients that could afford the higher rates. For example, Don Woods represented the Sultan of Brunei, and the Sultan seemed to have unlimited funds to put toward various trivial forms of litigation. He was being sued by a Beverly Hills perfumer for not paying for a perfume line that was developed for his family. In another case, he was being sued for selling cigars at the Hotel Bel Air, which he owned, without displaying a notice that cigars cause cancer. He would have to pay a \$10,000 fine for the infraction. My guess is that I billed at least \$250,000 in time to fight this small fine.

In my downtime, I decided I would do things to be of more use to the firm. Having "law professor" on my rsum would make me look stronger to clients and potential clients. I applied at a local law school to teach a night class and managed to get the job. I enjoyed this position and found I was surprisingly good at it. I taught two ninety-minute classes per week.

Michelle, a fellow associate, and I became good friends. After several months, she told me she was looking for a job, and very quickly she found one with Wilson Sonsini. I believed she was making a mistake and that she should stay with Dewey, but she realized there was no future for her there. She was right.

After Michelle left, I started feeling increasingly isolated. Somehow I managed to bring in work from outside clients, and this gave me something to do in addition to what I did for Don Woods. The firm, though, was a very unhappy place, and I just could not see myself staying there over the long term. Associates were leaving and partners were leaving. The firm hired people to replace them, but everyone was out for themselves. Despite its good reputation, the firm was a frightening place to work.

After I had been there for approximately a year, I went home to see my family in Michigan over Christmas. While there, I got the sinking feeling that I needed to leave the law firm and do something different. I had experienced the two extremes of working in a law firm at Quinn and at Dewey--one was busy and one was slow. One was informal; one was formal. One reminded me of Cranbrook; the other reminded me of Liggett.

When I returned to work in the new year, the first thing I did was email my two-week's notice to Don Woods and the head of the office. Over the next two weeks, no one in the firm seemed to acknowledge that I had quit. It was unusual. The day before my last day, the head of the office stopped by my desk.

"You cannot leave here without a job," he said. "If you do that, you will have a very difficult time ever working in a large law firm again. The thing you should do is call a few legal recruiters and talk to them and find another job. It should not take you very much time to find something else. Why don't you stick around here for the next three months and talk to recruiters and see what you want to do?"

Reluctantly, I took him up on the offer.

Working with Legal Recruiters

During my second year of law school, I took a class called "Technology in the Information Age" with Professor Peter Swire. He was a graduate of Yale Law School and was trying to get tenure. The class discussed how something called "the Internet" was soon to become ubiquitous, a claim that was met with suspicion by students and others at the time. I ended up with the highest grade in this class. When I went to visit Peter at office hours, we had a conversation I will never forget:

"Maybe you can do journalism, write books, or find something else besides practicing law," he said.

"What are you talking about?" I asked. I had the best grade in his class, and I could not fathom why he would say such a thing to me.

"Look at these kids you're around," he said. "They're all concerned with details, uptight, and different than you. They're concerned about things like getting a comma right and they take all of this extremely seriously. Your mind works differently. You do not want to be a lawyer."

I walked out of the meeting shocked, believing he did not know what he was talking about. Nevertheless, I remembered it years later because he was right. Being a lawyer demands a certain kind of personality and way of looking at the world. An attorney needs to be sharply focused and to care about the minutest details. That is what they are paid for.

When I left Dewey, my plan was to start my own law firm and live off the fees from my existing clients. If I did a good job, I knew I could make as much money as I was making at Dewey servicing those clients. I could also develop more business from new clients if I marketed myself. I wasn't worried about succeeding with my own

practice. What I was concerned about was staying at Dewey for the next three months and continuing to be unhappy. Working inside a large law firm did not make me happy; nevertheless, I used my remaining time to search for another in-house position as backup.

When I started calling legal recruiters, I was surprised by what I learned. Most of the time my calls went directly to voicemail. Some recruiters knew about open positions and others did not. Most of the recruiters did not research the market carefully; they did not seem 100 percent committed to the work. They called me from their cell phones (unconventional at that time), and most did not have offices. Legal recruiting seemed to be conducted in a frivolous manner.

Back then, the market was excellent for lateral attorneys. I must have gone on at least twenty interviews, and I learned a lot about the Los Angeles legal climate. Slowly, I came to realize that I was more interested in working with the law firms as a recruiter than as an attorney.

I saw the work product recruiters sent to firms on my behalf and found it lacking, riddled with typos and inaccuracies. I knew that I could do much better and felt that recruiting was a career that tapped into my strengths: I was interested in helping people make better decisions than I had made with my legal career, and I could see right away how I could improve the process of legal recruiting.

After all, how could I have worked so hard as an attorney and gone so far, and yet my career was in the hands of people who were not completely dedicated to finding me a position that was the absolute best fit, who could not send out a letter without mistakes, who did not thoroughly research the market to uncover the best opportunities for me? Moreover, recruiters were making very good livings at the time despite their lax performance. I knew I could do a better job and be happy doing it.

By the time March rolled around, I had increased the amount of work I got from existing clients. On my last day at Dewey, I figured that I had enough work to keep me busy and billing for at least the next month. Plus, I had taken out a home equity loan and had a small cushion of about \$20,000 to use to pay bills and start my business.

However, when I started work the first day after leaving Dewey, I was building a legal recruiting business, not a legal practice. After two weeks of working seven days a week, I had done no legal work but had built up my recruiting practice. After one month, I was doing nothing but recruiting and decided to give all of my legal matters away.

I was very enthusiastic about legal recruiting. This was another of the most exhilarating periods of my life. I got up at five in the morning and stayed up late working on recruiting. But after four months, I still had not made a single placement. Nevertheless, I believed in myself and continued to work with a great deal of gusto. I loved talking to new people all day. I loved talking to the law firms. I loved researching the firms and building a database.

One morning my phone rang. It was Latham & Watkins calling to make an offer to one of my candidates. The next day, Wilson Sonsini called and made an offer to another of my candidates. By the end of the week, I had four offers and all were accepted. I could not believe it. I made as much money from those placements as I would have made the entire year had I stayed at Dewey.

Within a few months, that number doubled and then tripled. By the end of the year, I had made over \$1 million in placements in my first year of legal recruiting. I started hiring people like crazy to help me manage this and moved into offices in downtown Los Angeles.

One of my early interests was helping attorneys who were having issues with their careers get into good

firms. Once attorneys enter the legal profession, several major factors can influence their success or failure. I built my recruiting business, BCG Attorney Search, and subsequent companies on the basis of a few core beliefs: every attorney is unique--and thus diverse--and legal recruiting is a calling designed to bring every attorney "home" within the profession.[1]

The way legal recruiting works, recruiters charge law firms a percentage of an attorney-candidate's salary when the law firm hires that attorney. For the most part, busy large law firms that bill a lot of hours are not concerned about legal recruiting fees. They simply want to hire the best possible candidates to impress their clients and to get the work done. The money a recruiter charges is minimal compared to the amount of money the law firm can make from the attorney.

However, only the very best law firms--I would say the top 10 to 20 percent of law firms--have the requisite work and are willing to hire legal recruiters. Therefore, the other 80 to 90 percent of law firms tend not to use legal recruiters. I saw that those law firms were essentially being ignored in job searches. This was fine for most of my candidates, who tended to be from top law schools and who currently worked in top law firms, but it didn't allow me to help the other 80 to 90 percent of attorneys in the country who weren't aiming for jobs at the top law firms.

I eventually rolled out a system that gave attorneys access to every employer in every market around the country where they wanted to work. I hired a data processing company and with it researched and built a huge database of all of the law firm employers in the United States, aggregating every available job. This is the foundation on which I built LawCrossing and BCG Attorney Search: seek to have people understood, explain their situations, give them access to all the opportunities in the market, and make sure their recruiters are working as hard as possible to find their best fit.

My personal feeling about diversity is that it should be possible for everyone who wants to be included in the legal profession to find a job. This is what I have built my career on, and I take this task very seriously. The reality is, the top law firms are very selective (for reasons explained) and will never include everyone--but only the top attorneys from the top law schools. But there is a universe of law firms out there, diverse in their unique makeup, circumstances, and approach to the profession, and there are attorneys from all walks of life with all kinds of backgrounds, skills, preferences, and talents. Anyone who wants to join the legal profession who has the ability and motivation should be able to make a living in law and at the same time enrich the legal profession with their unique perspectives and insights.

Everyone Needs to Be Understood

When I started recruiting, I spent a lot of time understanding each person's unique circumstances and what he or she was looking for specifically. It was important to know the reasons why a person was moving and the reasons why a person was unhappy. I wanted to have as much information as I possibly could.

My motivation came from personal experience. When I was searching for a job as an attorney and talking to recruiters, I felt as though the recruiters were not interested in me or my story. They did not want the information that I thought they needed in order to help me in my legal career. How could they help me if they didn't know who I was or what I was looking for?

When I started my recruiting business, I committed to taking the time and making the effort to learn as much as possible about my candidates. I wanted to know where they grew up, what kind of families they came from, what obstacles they overcame, what they felt were their strengths and weaknesses, what they believed were the positives and negatives about their current firms, and whether they were introverts or extroverts, among many other things. I wanted to know enough about them to be able to see whether they were a good fit or a poor fit for particular law firms.

Also, I wanted to make sure recruiters in my company understood where our candidates were coming from. For that reason, almost all of my early hires were former practicing attorneys who had worked in large law firms and who understood the qualifications and personalities involved. It was crucial for the recruiters and candidates to identify with each other and understand each other.

I still believe a recruiter can convince a law firm to hire a candidate when the recruiter appreciates what makes the attorney unique and conveys this to the law firm. We've had more success with this method than with trying to place candidates on their qualifications alone.

Everyone Needs to Have His or Her Situation Explained

I noticed that almost all the legal recruiting firms I used as a job candidate simply sent my rsum to law firms and left it at that. I, on the other hand, required my recruiters--and still do--to complete a write-up on each candidate that explains the attorney's exact situation, his or her background, and his or her reasons for investigating a new employer. All candidates are individuals and should have their experience and background explained in as much detail as possible.

This type of background information provides law firms with insight into a candidate's diversity. More than just a person's [gender, race, or socioeconomic status, diversity](#) is what makes a person unique as an individual. It is the recruiter's job to demonstrate how that uniqueness could provide a benefit to a law firm. Candidates' hobbies, interests, family backgrounds, and experiences are all relevant factors.

Also relevant are an attorney's motivation for the job and reasons for wanting to work in a law firm. At my recruiting company, our letters are ten or more pages and describe in depth each candidate's individual situation. I wanted to ensure that people were respected for who they were and that every candidate was treated as unique and understood as unique.

Many barriers to entry for diverse candidates are negative preconceptions about their qualifications and ability to do the job and do the job long term. Presenting candidates, their abilities, and their situations in such a way as to demonstrate that these misconceptions are ill-conceived and unfounded goes a long way toward breaking the self-perpetuating cycles making it difficult for diverse candidates to get jobs in law firms.

Everyone Needs to Have Access to All of the Jobs

Keeping up with the legal market is challenging. New law firms pop up all the time, and existing law firms have openings and close openings continually. Because the legal market is so consistently active, successful recruiters must put a tremendous amount of resources into tracking these openings.

To give my candidates access to all the jobs, one of the first things I did was hire researchers to research all the jobs. For the first ten years of business, I reinvested most of the company's profits into researching jobs and building databases and other systems for finding open jobs. Because not every law firm uses recruiters to fill openings, I also started a few other businesses to help attorneys find jobs. One, called LawCrossing.com, researched every legal employer in the market and compiled all available jobs in one place.

In November 2000, the market for lateral attorneys suddenly slowed because of the "dot bomb," the collapse of Internet companies. The effects of this implosion spread throughout the United States and caused law firms to lay off attorneys in massive numbers.

In our downtown Los Angeles office, we kept a large board that tracked interviews, and toward the end of the

month, the interviews just stopped. So did the offers for our candidates. When I spoke to law firms, they told me they were very, very worried about the state of the economy and that their clients were all cutting back on work. I was concerned because I had a lot of people who needed jobs.

When the economy went south in November 2000, not even the best attorneys could get positions with the top 10 or 20 percent of law firms. As more and more people were laid off and the best attorneys were unable to get jobs with the best firms, I knew I had to do something.

I remembered when I had quit my job in Bay City and sent out applications and letters to every law firm I could find in southern California, I got interviews with lots of small law firms that I had never heard of. Most attorneys who go to prestigious law schools are interested in applying only to top, top law firms that pay the highest salaries, perhaps the top 5 percent of firms. They are not interested in the other 5 percent that makes up the rest of top law firms. What if I was able to help people apply to all the law firms in the country and to stay employed or find a new job through this economic mess?

I invited attorneys who had been laid off or who needed a new job to come in to the office. We worked together to develop a large database of smaller legal employers. We then sent letters to all the smaller firms in the cities where the attorneys wanted to work. All of these attorneys--after months of applying only to the top firms--managed to get jobs. I knew that I was onto something and that I had found a way to help more people.

I thought I could charge law students and attorneys one or two dollars per letter sent, and as part of the service we would redo rsums and write a cover letter for candidates. I called this company Legal Authority, and it grew very quickly. Soon it had to move into a larger office space to accommodate all of the employees. I had a room full of what I called Legal Employment Advocates who would speak to attorneys and law students, identify employers they could apply to, and then assist them in sending out letters. The company was highly effective and managed to get thousands of people jobs. It also helped connect firms that did not have current job openings with candidates whose rsum looked promising for future business.

I was very proud of Legal Authority. It worked. But it also provided a service that was expensive for the average law student or attorney to afford. Those who wanted the full package had to spend upward of a thousand dollars to get all the applications sent out to all the relevant employers in the relevant markets. Candidates could spend less on smaller disseminations, but that approach was less effective. Another issue with the service was keeping up with the ever-changing market. Law firms were opening and going out of business constantly, and even with address-updating software, it was difficult to track all the changes.

After running Legal Authority for a few years, I realized that the service had limitations and could not help everyone. Many attorneys and law students worried about spending the money it took to get a job using the service. Other people who used the service but failed to land a job began to give it negative reviews online, and this prevented potential customers from enrolling. Legal Authority, in my opinion, was an incredible way for attorneys to get jobs, but it would never be able to help everyone.

At the time, there were lots of job sites in the market, such as Hot Jobs.com. The leading one was Monster.com. These sites charged employers to post jobs. Therefore, the only jobs they listed were from employers willing to pay to post on their site. Law firms and other companies were starting to post job openings on their own websites and on other job boards. What if I could ferret out all those jobs all over the internet and put them in one place? That would help a tremendous number of attorneys seeking employment. They'd be able to go to one website and find all the legal jobs available.

I used the contacts in the Legal Authority database and visited the websites of each law firm to collect the jobs available at any given time. Because this was such a monumental task, I traveled to India, where the

data processing company was located, and set about developing and training a large team of people to do this work. Within about six months, we had launched a new company called LawCrossing that aggregated every available job.

LawCrossing grew rapidly, and within a few years it was the seventy-second fastest-growing company on Inc. 500. This company exists today and is doing very well. When a candidate comes to BCG Attorney Search, that person can rest assured that we use all of our resources to do whatever is possible to get him or her a job. We have more than a hundred full-time researchers who research legal jobs, which helps our candidates access the complete market. In contrast, most of our competitors are boutique organizations that do not have access to these resources.

The foundation upon which I built BCG Attorney Search was the correct one. I seek to have people understood, to explain their situations, to give them access to all the opportunities in the market, and to make sure that the recruiters working on their files are working as hard as possible. *This is diversity in action.* Diversity is about making sure everyone who can be included is included. Diversity is also about making sure that law firms hear a variety of viewpoints from different sorts of attorneys.

The Diverse Attorneys Law Firms Can Hire

Law firms seeking to hire more diverse attorneys have numerous underutilized resources to draw on. They also can do their hiring in a way that reconciles diversity goals and business objectives. Each of the methods discussed below could work very well.

LL.M. Programs

Law firms can hire and sponsor more of the scores of foreign graduates with Masters of Laws degrees from American law schools. Most major law schools have LL.M. programs and enroll lots of attorneys from every region of the world. Notwithstanding the high number of exceptional attorneys coming out of LL.M. programs each year, many have difficulty getting jobs.^[2]

Thousands of attorneys of color come out of these programs annually and are potentially good fits for many law firms. In addition to having years of training and experience in international law firms, they are hungry and do not have a sense of entitlement. They are, in fact, excited to have the opportunity to work in the United States. Also, these attorneys often have few options when it comes to moving between firms, so they are willing to put down roots.

Attorneys from LL.M. programs tend to earn their degrees and, unable to find jobs in the United States, turn around and go home after taking the bar exam. Though attorneys without citizenship can work only in New York and California (the only states that allow them to take the bar exam), they can waive in to other states later after practicing for some time.^[3]

Attorneys from LL.M. programs are good fits for firms because:^[4]

They can do the work. Law firms can choose attorneys from LL.M. programs who have substantive experience from before the LL.M. degree. They are likely highly committed to the practice of law, have already succeeded in a law firm, and desire to continue working in a law firm long term. Having proven they can do the work, they are good bets coming directly out of LL.M. programs.

They can be managed. Most attorneys from LL.M. programs are grateful for the opportunity to be hired. In many cases, their salary at an American law firm is two to five times what they would be paid in a law firm in their home country.^[5] In an American firm, they have the opportunity to make a lot of money, and they know that if they screw up, they will not have many other opportunities and may have to return home. They expect to work hard, are motivated enough to get an LL.M. in the United States (and willing to bear the expense),

and might not have the opportunity to make as much money again. These attorneys also have proven they are manageable by working for law firms previously. Because the LL.M. requires sponsorship from a firm, this attorney is likely to do what's necessary to stay at a law firm.

They will do the job long term. An attorney who comes to the United States to earn an LL.M. is highly motivated and wants to work and live in the United States. If the attorney can't make it in the law firm, he or she might need to return to the home country, which for many attorneys is not desirable. Attorneys with an LL.M. degree are more motivated than others to stay in their position and commit.

Women Who Need or Have Part-Time Schedules

More than half of all law school graduates are women. Many women leave the practice of law to have children and then want to return. Other women have children and then go on part-time schedules while they raise their children. If law firms want to hold onto women and are truly committed to diversity, they should not overlook this obvious and easy source of talent.

But law firms are hesitant to hire attorneys who are not currently employed or who are on part-time schedules. This is unfortunate. Women are put in a very difficult position when they have children because, on the one hand, they cannot quit their firms and take time off to raise the kids, and on the other hand, if they manage to go on a part-time schedule, they are usually unable to find a new position when they want to leave. These attorneys may be exceptional but are penalized for having children and taking time off to raise them or for working a reduced schedule.

These are the beliefs behind why law firms avoid hiring attorneys in this position:

They believe that once an attorney stops practicing law, that attorney's skills will rapidly deteriorate.

They believe that attorneys who stop practicing law for any length of time are not as committed as attorneys who have children and then return to work after family leave.

Once attorneys take a significant amount of time off from work, they are not likely to stay very long in their next position because they may have grown accustomed to a different routine and would prefer to be at home.

Most partners want people around who are willing to drop everything and do assignments for their clients at all hours of the day and night. They believe that attorneys should be 100 percent committed to their jobs and work as hard as possible at all times. In the grander scheme it is acceptable for women to have children and return to work a reduced schedule, but partners are not interested in them because they are perceived not to be available for work 100 percent of the time.

It is very difficult placing attorneys who desire reduced schedules. In fact, even having gone to the best law schools and coming from top firms, I guess it is at least five times more difficult to place a woman seeking a position with a reduced schedule than it is to place a woman otherwise. It is even more difficult placing a woman who is currently unemployed than it is to place a woman seeking a reduced schedule.

In these cases, law firms are allowing their business methods and prejudicial evaluation of how women with children work to interfere with hiring a diverse workforce. Women who have taken time off to have children and are seeking reduced schedules represent a massive untapped source of potential talent for law firms.

They can do the work. Women who have experience working in a large law firm who have taken time off or are currently working a reduced schedule clearly can do whatever legal work is given to them. Although they may have obligations at home, law firms can figure out ways to accommodate this. Most women seeking to return to the workforce or switch firms while on a reduced schedule are doing good work at their existing firms (or have done it in the past) and are perfectly capable of doing good work at another law firm.

They can be managed. Women who are returning to the workforce or seeking to work reduced hours can be managed. In fact, they tend to be very efficient with their time compared to many of their counterparts in the office. When they are working, they are working and working hard. Attorneys know where they are going to be at all points during the day because they have obligations at home as well. The attorney who is working a

reduced schedule is alert to deadlines and other obligations because she knows she already has a mark on her back at some firms because of her reduced schedule. The attorney returning to the workforce after an absence is someone who can be managed. The odds are that she was managed effectively for several years when she was at the last law firm, and there is no reason to suspect that she would not be manageable at a new firm.

They will do the job long term. The fact that it is difficult for women seeking reduced-hour arrangements or returning to the workforce after an absence is an advantage to the law firm that hires one of these attorneys. Most attorneys I spoke with who were hired after an absence or under reduced-hour arrangements appreciated that they got these jobs, because it is not easy for women to find law firms willing to accommodate them. Because of all this, these attorneys are unlikely to leave once they are hired and will stay at the job for a long period. This saves law firms a great deal of money related to turnover and ensures they have someone loyal to the job.

There are many creative and practical ways law firms can benefit from the pool of attorneys who offer part-time schedules. "Law firms, ever in search of the best talent to represent clients, are devoting resources to the exploration of solutions that will accommodate the needs of working mothers."^[6] For example:

Arnold & Porter, a Washington, D.C., law firm, offers "at least 18 fully paid weeks of birth or adoption leave (plus \$10,000 in adoption aid)." Additionally, 12 percent of lawyers at the firm work reduced hours.

At Crowell & Moring, "unorthodox schedules are no barrier to accomplishment . . . as attorneys who flex or reduce their hours are helped to locate allies and premium assignments by dedicated affinity groups and advisers. Sponsors assist high performers in outlining workable paths to partnership."

At Duane Morris, expectant mothers get sixteen fully paid weeks off.

Gray Plant Mooty "just debuted a dependent-care resource and referral service, and offers lengthy phase-back arrangements after a birth or adoption."^[7]

Diverse Attorneys with More Than Five Years of Experience Who Do Not Have Business

Most large law firms--and many smaller ones--are run on an "up or out" model. An attorney is expected to become proficient at practicing law and valuable to the firm during the first five years of practice. After five years, the attorney must show potential for developing business for the firm and giving work to other attorneys, including partners and other associates.

When an attorney does not demonstrate this ability to generate business, the law firm must have enough work to support the attorney at the higher billing rate of experienced attorneys. Many law firms do not have work for more senior attorneys, and therefore they are reluctant to hire attorneys with experience unless they have the capacity to generate future business or practice in a popular practice area.

The law firm business model also promotes to partner only the best associates and counsel attorneys. This means that there is tremendous competition among senior attorneys to be the best they can be, to bill a lot of hours, and to produce the best quality work product because they have the opportunity to make partner. The concern with bringing in new senior attorneys is that they will enlarge this competition.

Despite the structural issues, attorneys with years of experience can increase the diversity in firms. If the work is available, firms can hire them with titles other than associate if necessary (staff attorney, special counsel), or they can be given a longer trial period to be considered for a partner so as not to undermine the competitors in the current class.

Although firms are increasingly open to hiring attorneys with five or more years of experience, they are still reluctant to do so. Most of this reluctance stems from the perception that, if the attorney was not good enough to be a partner at the last firm, then he or she is not likely to be good enough to be a partner at the new firm.

Furthermore, law firms are reluctant to take on people who may have "sour grapes" for not being made

partner somewhere else. These sorts of assumptions are not always correct. For example, the previous law firm might not have had enough opportunity at the top for aspiring partners. Or the firm was experiencing financial or other problems that have nothing to do with the attorney. Finally, attorneys sometimes desire to be in a different environment for any number of reasons, some as simple as wanting a shorter commute or to be associated with a better brand name firm. Regardless, law firms should look carefully at attorneys with more than five years of experience.

Law firms are frequently criticized for not putting more senior diverse attorneys on various business and for staffing these matters with junior attorneys. Hiring a more senior lateral diverse attorney is something that is likely to go over well with clients and be very helpful in diversifying the workforce.

Having more senior diverse attorneys in the law firm also sends a message to junior diverse attorneys and potential laterals that there is room for them in the senior levels of the law firm. This is very important because the more senior diverse attorneys in the law firm, the more junior diverse attorneys the law firm can recruit.

I have seen several law firms "break the mold" over the past few years and hire senior diverse attorneys (especially African American women). These attorneys have done very well.

Here the reasons attorneys with five or more years of experience can do very well at law firms:

They can do the job. Attorneys with five or more years of experience coming from respectable firms can almost always do the job. They have done the job in the past, and there is no reason to doubt they will be able to do the job in the future. In fact, experienced attorneys already understand law practice and know how to do the work. Law firms hiring at the lateral level can be comfortable hiring attorneys from firms with reputations for doing work of a similar quality.

They can be managed. If an attorney has more than five years of experience and has not jumped between too many law firms during that time, the odds are very good that the attorney can be managed. In fact, even if attorneys make career mistakes during that time, they likely still can be managed because they probably learned from their mistakes. Though law firms worry that senior attorneys may have developed habits incompatible with the firm's practices, usually this is not a major obstacle. Older attorneys know they have fewer job options in law firms compared to junior attorneys; therefore, they are much more likely to follow directions and do what is expected of them; they are likely more manageable than junior attorneys might be. The senior attorney also knows how law firms work and is much more likely to pick up on small signals that will keep them in line.

They will do the job long term. Attorneys with experience know that it will be difficult for them to find another job, especially when they do not have significant business. By being a trendsetter and hiring these attorneys, law firms add attorneys to their ranks who are doubly likely to stick around and, provided there is enough work to do, who can be profitable as well. It makes a lot of sense for law firms to do what they can to bring in diverse attorneys at the lateral level.

Diverse Attorneys from Local, Not National or Prestigious, Law Schools

Law firms can often dramatically increase their diversity by increasing the number of attorneys they hire from less-prestigious or local law schools.

Attorneys from the largest and most prestigious law schools may have a sense of entitlement that they should be doing more important things than working in a law firm. They may assume they will receive bonuses as high as attorneys at other law firms and might be more willing to move when this does not occur. And they may have a long-term goal of going in-house, going into politics, or moving into some other career choice, which means they might be less committed while working at the law firm.

In contrast, attorneys from local and less-prestigious law schools provide several advantages. Attorneys who

did very well at local and not national or highly prestigious law schools are often more motivated, more appreciative of the opportunity, and more likely to succeed than many attorneys from the largest law schools.

Very often they were at the top of their class. Attorneys who finished first, second, or third in their class at a smaller school often look as good to clients as attorneys from more prestigious law schools. Students who did exceptionally well at a local law school are arguably as good as students who finished in the middle of the class at more prestigious law schools.

Attorneys go to less-prestigious law schools for a variety of reasons, and sometimes these reasons have nothing to do with their intelligence. Years ago, I was a law professor in a law school that was not considered prestigious. One of my best students had gotten a full ride to the law school based on having achieved an LSAT score in the ninety-ninth percentile. He chose to attend the smaller school because it would not cost him anything compared to the debt he'd accrue at other law schools he had gotten into. Unfortunately, graduating from this less-prestigious law school ended up hurting him and making it difficult for him to find jobs. Were law firms inclined to take a chance on him, they would have hired a smart attorney who was more than capable of doing the work.

A student may also go to a local law school to be close to family or even because the student does not understand the importance of going to a major law school--especially if the student is from a blue-collar family, where prestige of education is not emphasized. Diverse candidates out of poor backgrounds may know they want to be lawyers but do not understand the importance of having to attend a great law school to do it.

Attorneys who attended local law schools and who showed aptitude for doing well there are well qualified for work in large law firms:

They can do the job. If the attorney has done well at law school, this is an indicator that the attorney has an aptitude for the practice of law and can do the job.

They can be managed. Attorneys who did well in local law schools can be managed. Some may have paid their way through law school, gone to school at night, or became attorneys as a second career. Attorneys who have worked in a large law firm and are laterals have proved they can be managed, and law firm should disregard measuring them based on the prestige of their law school. Entry-level attorneys coming from local law schools often have a lot of work experience from before law school. These attorneys can be good assets because they tend to understand the importance of hard work and what it is like in a work environment.

Attorneys from less-prestigious or local law schools will take the job seriously and not want to mess up, thus being manageable. They understand they are lucky to be where they are in a large law firm. Because they do not believe they can lateral to another firm easily, these attorneys are much more likely to listen carefully to directions and to become committed to the firm.

They will do the job long term. Attorneys from less-prestigious law schools typically do not have the same options to lateral to other firms as do attorneys from prestigious law schools. Therefore, these attorneys are far more likely to commit to the job and stay for the long term because they know their law school holds them at a relative disadvantage. They may be one of only a few class members who was able to land a job at a prestigious law firm, and the last thing they want to do is show disloyalty by leaving.

I believe one of the most underutilized resources is diverse attorneys who are the top graduates at less-prestigious law schools.

Attorneys from Smaller Cities Looking to Relocate to Larger Ones

Law firms in smaller markets often attract attorneys who do well at local law schools and who do not necessarily get jobs with large law firms. Law firms in smaller markets also attract graduates from top law schools who may have grown up in the smaller markets. Attorneys often find themselves in smaller markets

for a variety of reasons, which could be as simple as needing to be close to a spouse or a parent. Regardless of the reasons, recruiting attorneys from smaller markets seeking to relocate to larger ones is a very effective way for law firms to increase their diversity.

I have witnessed several diverse attorneys from smaller markets relocating to larger ones. These attorneys had very sophisticated training in their practice area and worked for well-known national or highly regarded regional law firms. Instead of being welcomed by law firms in larger markets, they often were shut out because the large law firms do not respect or trust attorneys trained and working in smaller markets to be able to do the job.

Markets like Los Angeles, New York, Chicago, Houston, and Atlanta expect that lateral attorneys come from major law firms in major cities. But there are a great number of talented attorneys, especially diverse attorneys, in smaller markets who are interested in relocating to larger markets.

They can do the job. The size of a market has little to do with the quality of work attorneys do or their training. Law firms in smaller markets may not have billable hour requirements anywhere near those of firms in large cities, but some do. Attorneys in smaller markets may be less specialized than attorneys in the largest markets, but that is not always the case. Also, there are many excellent small law firms around the country that have superb reputations and that might mentor attorneys more and train and develop their work habits more than the largest law firms do. In addition to top regional firms, the branch offices of large national law firms can be located in smaller markets. Attorneys who have done well in smaller markets have the ability to transition into firms in larger cities and do well there.

They can be managed. There is no reason to believe that an attorney moving from a smaller market to a larger market cannot be managed. Attorneys from smaller markets may have had to work with fewer attorneys and be managed and micromanaged in the smaller setting. Attorneys moving from a smaller to a larger market may be more open to new styles of management and that they need to be this way to survive.

They will do the job long term. These attorneys often are highly motivated. Though there are various reasons attorneys move to larger markets, many desire more sophisticated work and are very ambitious. An ambitious attorney is an attorney who is likely to stick around and aim for partner, meaning they are likely to do the job long term. Additionally, attorneys out of smaller markets are grateful for their opportunity in a larger firm and are more likely to stick around.

Attorneys Who Want to Switch Practice Areas

Another sort of attorney who tends to be ignored is the one who wants to switch practice areas. Although switching from a nontransactional practice area to a transactional practice area (and vice versa) is not something I recommend, attorneys can transition from one transactional practice area to another or one litigation-oriented practice area to another.

In my experience, attorneys tend to gravitate toward one type of work or another. Some people enjoy math and science, and others enjoy English and history. Attorneys who like math and science tend to do well in corporate, real estate, and similar transactional-related practice areas. Transactional practice areas rely less on writing and more on details and therefore tend to be better for people who are math and science oriented. Attorneys who like English and history tend to prefer practice areas like environmental, litigation, and labor and employment.

Attorneys often pick up on doing work in another practice area quickly. I have seen lots of attorneys successfully move into new areas within transactional-related work or within litigation-related work. But law firms are averse to this, especially when hiring at the lateral level. Firms might assume that attorneys who switch practice areas are disillusioned with the practice of law and looking to try something different before they end up leaving the practice. This indeed may be the case, but I see this most when an attorney tries switching from a litigation-related practice area to a transactional one and vice versa.

Attorneys may have good reasons for switching practice areas that the law firm should explore with the attorney. For example, the attorney's law firm may not have enough work in a particular practice area, or the attorney may have been placed in the practice area out of law school because of firm need and not necessarily because the attorney wanted to be in that practice area.

If a law firm is interested in increasing its diversity, a simple way to do this is to hire attorneys seeking to make such a transition.

They can do the job. If attorneys are proficient in a transactional or litigation-related practice area, odds are they can do the job in a new practice area. An attorney's reasons for switching practice areas may not have anything to do with his or her ability to do the work. Attorneys in new areas will take some time to get up to speed, but if they were doing good work in the previous firm and practice area, the odds are they will continue to do good work.

They can be managed. Attorneys who were successful at their prior firms and who showed an aptitude for law firm practice are manageable. Because the attorney is learning a new practice area, they expect to be trained, overseen, and managed by supervisors.

They will do the job long term. When a law firm takes a chance on hiring a diverse attorney who wants to switch practice areas, the attorney is likely to be grateful for this opportunity. Because the attorney worked so hard to get a position in the practice area, he or she is likely to stay. In my experience, many attorneys who switch practice areas do not always stick with the new practice area, but if they are genuinely interested in the new area and switched for that reason, they usually stick with it.

Diverse Attorneys Who Became Contract Attorneys for Reasons Outside of Their Control

One of the most disconcerting things I see as a legal recruiter is the high number of diverse attorneys who end up as contract attorneys. Even though it does not necessarily reflect the quality of their work, they are at the bottom of the pecking order of attorneys.

Contract attorneys have no home at the firm and their pay and job are unreliable. Contract attorneys, paralegals, and other temporary employees may end up in positions inside of law firms that they never believed they would have after graduation. Without any stability, they may be forced to work in a different location each week and are paid a less-than-optimal amount to survive in these positions. According to an article in the *Washington Post*:

To a lot of people in the American economy, \$25 an hour might seem like an excellent wage. When you're chipping away at a mountain of law school debt, however, it can be woefully inadequate.

That's the situation facing tens of thousands of attorneys who didn't land the cushy corporate jobs they'd been expecting after graduation or even the type of non-profit gig that might have gotten their debt forgiven. Instead, they are freelancers, working gig by gig with law firms and staffing agencies.

In recent years, their wages have sunk so low that some of those attorneys--in a world where long hours have been treated as dues to be paid on the way to a comfortable career--are asking for the same overtime protections enjoyed by retail clerks and bus drivers.

They argue that the work--combing through all the documents that emerge during the discovery phase of a lawsuit--doesn't feel like the practice of law. It often takes place in hastily rented review rooms, with attorneys seated side by side, staring at computer screens to pick out pieces that might be relevant to the case. In the name of information security, employers often set rules about phone use, chatter with colleagues, and food consumption.

"I was told I couldn't eat a yogurt," says Marc Steier, a former contract attorney who now works for a labor union. "That's what's so disturbing--it's the absolute disregard. The realities of being employed at most of these agencies are beyond the pale for what most people would consider professional." [8]

Once an attorney works as a contract attorney, many large law firms will not consider hiring them because of the perception that the attorney is not interested in working for a large law firm or there is something wrong with the attorney that forces him or her to work as a contract attorney. These are misconceptions that are not always accurate. Far too many diverse attorneys end up as contract attorneys as a result of circumstances.

There are multiple reasons people become contract attorneys. As discussed, law firms have trouble retaining diverse attorneys, and, in many cases, diverse attorneys leave the firm owing to the structure of the firm and how well they are or are not integrated into the organizational culture. When they leave law firm employment, many diverse attorneys who need to work become contract attorneys. Once they become contract attorneys, they enter a vicious cycle where the only positions they can get are as contract attorneys.

Or they might have left the practice of law to have children and were unable to come back, so they started contracting work. Others may be too senior, with more than five years of experience, and law firms are suspicious of hiring them, so they find jobs as contract attorneys. Still others may have been downsized during recessions. I have seen people become contract attorneys because they could not find a job after leaving to take care of a sick parent. Others wanted to take time off to write a book, but after doing so were unable to come back.

Not too long ago, I worked with an attorney who had graduated from a top-ten law school and had worked in a major U.S. law firm. He took paternity leave with his first child, but when he went back to his firm, they refused to give him any work. Law firms are leery of attorneys who take time off work. Because this firm made a judgment about the propriety of this attorney taking time away from the firm, his legal career was essentially ended.

Yet, not all contract attorneys are the best fits for law firms. They might have become contract attorneys because they desired more autonomy or did not like being with one employer. Other attorneys become contract attorneys because they are unwilling to make the sacrifices required of associates in law firms. Also, many people become contract attorneys because they do not have the legal skills required to work in large law firms.

Far too many diverse attorneys work as contract attorneys when they could be working in law firms and garnering the benefits of steady employment and opportunities for advancement. Here are the reasons I believe contract attorneys can be good hires for law firms seeking more diversity:

They can do the job. By the time many diverse attorneys become contract attorneys, they have one or more years of experience working in large law firms. During this time, they learned legal skills that could be valuable to a new law firm. Although the diverse attorney may not have had the best experience at the prior law firm, a new opportunity at a new firm can make a difference. Attorneys who work as contract attorneys get contract jobs because they can get the work done, thereby demonstrating their abilities.

They can be managed. Contract attorneys with prior experience in a large law firm can be managed. Working as a contract attorney is taxing. A contract attorney may need to report to several different employers each month who ask them to do all different types of work--much of it quite tedious. Most contract attorneys are accustomed to close management and even micromanaging on somewhat mindless-type tasks often by young associates. Contract attorneys with a few months of experience working as a contract attorney have proven they can be managed by anyone. Contract attorneys hired for a permanent role take their positions quite seriously and do not want to lose their jobs, so they follow directions and do the best work they can.

They will do the job long term. Most contract attorneys are aware that their odds of getting a permanent position in a large law firm are severely diminished once they become a contract attorney. They know that if

they are hired by a large law firm, they are very lucky to have gotten such a position--they are even lucky when they are hired by smaller law firms. Having seen how difficult the market can be as a contract attorney, contract attorneys put more of themselves into their job and stay in jobs long term.

Laterals from Labor and Employment Law Firms

Law firms that do labor and employment work tend to be very good sources of diverse attorneys. For example, two large labor and employment law firms made it onto the Vault 2018 "Best Law Firms for Diversity": Constangy, Brooks, Smith & Prophete is number four, and Littler Mendelson came in at number nine.^[9] Because many labor and employment law firms have very strict requirements from their clients to maintain a diverse workforce, they tend to have a strong pool of diverse attorneys. Although many labor and employment attorneys (especially at labor-and-employment-only law firms) may not have the same paper qualifications as attorneys from major law firms, they are solid attorneys who can do the work and do it well.

A number of smaller law firms and specialist firms in every decent-sized city in the country do defense-related work in employment. They do a mix of small and large cases. Attorneys from these sorts of backgrounds are strong candidates for large law firms. It is not too difficult to transition labor and employment attorneys into other contentious practice areas such as litigation and environmental. Lateral attorneys with a primary background in labor and employment quickly pick up and learn new areas.

Diverse lateral labor and employment attorneys are likely to work out at law firms for the following reasons: *They can do the job.* Labor and employment is a practice area where attorneys prove they are competent to do the job by doing the work for some time. Attorneys in this practice area for at least a few years can do the job.

They can be managed. Most labor and employment attorneys who have proven themselves can be managed. Attorneys from smaller law firms often do well in larger law firms. Labor and employment law work has routine aspects, and if attorneys prove they can do routine work for an extended period, the odds are good they can do other law work and be managed. Because they are employment attorneys, they have a good understanding of employer expectations.

They will do the job long term. Labor and employment is a practice area that most attorneys stick with throughout their careers. They may transition to other practice areas or go in-house or into Human Resources inside a company, but most attorneys continue in this practice area. When larger law firms hire labor and employment attorneys, attorneys from smaller law firms are grateful for the opportunity and stick around as long as they can.

Future Patent Attorneys from Lower-Tier Law Schools or Lateral Patent Attorneys

Patent law is a strange practice area. Because most future patent attorneys major in engineering and science-related disciplines in college, they typically do not get the high grades required by the top law schools. Accordingly, most patent attorneys do not go to top law schools, and most patent attorneys do not get jobs with the largest law firms out of law school. Also, patent attorneys who do go to top law schools often do not get the best grades because their skills tend not to lie in writing or the topics tested in law school. Most patent attorneys end up in smaller law firms after law school.

When large law firms need patent attorneys, often the only ones they can find are from small law firms and lower-quality law schools compared to other candidates. For example, attorneys with backgrounds in electrical engineering--a notoriously difficult subject area to get great grades in--often are snapped up by larger law firms because their clients need people with electrical engineering backgrounds to work on patents.

Most patent attorneys would say that a patent attorney's performance in law school does not necessarily

translate into how good he or she is at being a patent attorney. A patent attorney has unique skills that are not necessarily related to law school grades.

Law firms could dramatically increase their diversity if they hired patent attorneys out of law school--even the smaller law schools--and if they hired lateral patent attorneys from small law firms. What is so ironic is that most patent attorneys practicing in large law firms started their careers at small law firms because large law firms would not hire them out of law school.

Many diverse patent attorneys work at the U.S. Patent and Trademark Office (USPTO). Because many patent attorneys cannot get jobs with large law firms--or even small ones--because of their law school grades, they go to work for the USPTO, which gives them great experience and has a lot of diversity among its ranks. I have seen many patent attorneys successfully transition from the USPTO to large law firms.

They can do the job. Being a patent attorney is largely a technical skill. It is a cerebral job, done behind a desk, and requires a lot of thought and concentration. Most patent attorneys have science and mathematics backgrounds, and these skills come most into play in the patent attorney's work. A patent attorney who passes the patent bar generally can do the job. Patent attorneys' technical expertise speaks to how well they can do the work. Because the work is so technical, law firms can use various methods to evaluate a patent attorney, such as analyzing the patent attorney's past work.

They can be managed. Managing a patent attorney typically is not difficult because most of the work is done in an office without a lot of input from others. Patent attorneys have been known to have disagreements among themselves, but these disagreements seem to be limited to the quality of work or how to credit client originations, compensation, and the like. Compared to other types of attorneys, patent attorneys can be fairly easily managed because they tend to be more introverted than extroverted.

They will do the job long term. Patent attorneys make more money than they can make as engineers and are very grateful for the law work. Patent attorneys who move from small law firms to larger ones are usually satisfied with the increased prestige and money at the new firm. They do have a reputation for moving around between firms, but this is usually because they had trouble fitting in at large firms owing to their introverted nature and the fact that they work around people without math or science backgrounds.

What Diverse Attorneys Can Do to Help Ensure Success in Law Firms

Law firm diversity makes sense from both moral and business perspectives. Diversity is the wave of the future, and firms that want to succeed need to get with the program. Most of the responsibility for diversifying is on law firms--by making better hiring decisions, combating incorrect and dangerous preconceptions, and finding ways to ensure that diverse attorneys can access mentors and avoid the marginalization that leads to attrition. Law firms need to stop the feedback loops that prevent diverse attorneys from thriving in law firms. Diverse attorneys also need to play a role in closing the diversity gap. Here are some ways they can do that.

Form Close Allegiances with Certain Partners in the Firm

Attorneys who engender the most loyalty are those who work closely with individual attorneys. Associates, regardless of their diversity, need to form allegiances with powerful partners in their firms. These allegiances can guarantee them work when things get slow, prevent them from getting laid off, and provide them with mentors and experience to ensure their work continually improves. Without these kinds of sponsors, attorneys can feel lost and unprotected and may leave the firm.

Every attorney who wants to get ahead in a law firm must do his or her best to form close relationships with partners and others who have the ability to positively influence their careers. Law firms sometimes set up mentorship programs or try to pair attorneys with senior attorneys who will help them, but ultimately it is the attorney's responsibility to pursue these relationships. One of the costliest mistakes I see attorneys making in firms is failing to associate with the right people.

A successful career in a law firm is about the quality of relationships an attorney cultivates, not just the quality of the attorney's work. The right relationships can lead to support within the firm, introductions to potential clients, and protection in times of trouble.

Build Relationships with Many People in the Firm

Attorneys who want to succeed in law firms go out of their way to build positive relationships with all kinds of people--from partners to attorneys on various committees, secretaries and paralegals, and operations staff. So many people can help an attorney get work done, it pays to treat them with respect and kindness.

One danger is when an attorney goes to the office and disappears behind a closed door for the entire day, week in and week out. Lawyers work in offices so they can communicate with one another, and smooth communications mean people have to be sociable to some extent even when they are introverted. For an attorney to be seen as a team player, it is important that he or she communicates with senior attorneys, staff, and others. Open lines of communication are important to positive working relationships and success in a law firm.

Form Friendships Outside Work

Studies regarding the diversity gap in law firms show a major problem for diverse lawyers is a lack of connections to draw on. Whatever the differences among colleagues, attorneys must find common ground and ways to connect with colleagues, making networking and socializing with fellow attorneys a priority. It is important for all attorneys to form friendships and good working relationships with attorneys in the office and outside. If people in the office know an attorney and respect that person as an individual, they are more likely to want to help the attorney at work and beyond.

Become Indispensable

One secret that helps attorneys get ahead in law firms is to make themselves indispensable to important attorneys in the firm. Forming close relationships is the first step to becoming indispensable. From there, doing impeccable work and being reliable, hardworking, and loyal help make attorneys necessary to certain partners' business. There are plenty of attorneys willing to take an attorney's job, and therefore the only way to have employment security is to be indispensable.

Helping attorneys get jobs is all-consuming for me. Even though attorneys don't have the best reputation in society and often are seen as greedy, selfish, and all sorts of other negative things, I identify with them and understand how difficult it is to get into the field. Law is a profession that requires you to work very hard and clear a number of hurdles--to get into a good college, to get into a good law school, to get good grades, to get good positions, and to do well in those positions by working grueling hours--and many people take on a great deal of debt to make it all happen. People who do all of this to become attorneys should see some reward at the end of the line.

Yet, I have encountered many diverse people in the course of my work over the past few years who have not been hired. They all came to me after months or years of job searching. Despite their diversity and excellent qualifications, they all got fewer interviews and fewer job offers than nondiverse candidates with similar (or not as good) qualifications. After a career of seeing this pattern constantly repeated, I concluded that law firms really must not appreciate diversity that much. Or, even if firms do appreciate diversity, they do not appreciate diversity so much that it motivates them to deviate substantially from risk-averse behavior that compels them to hire nondiverse candidates over diverse candidates.

But this is changing. More and more law firms are making diversity a priority in practice. Through the immense efforts of diversity committees, inclusion managers, and other champions of diversity in and outside law firms, hiring practices are being updated to account for the strengths and abilities of diverse attorneys and entrenched attitudes and old biases in attorney hiring are beginning to recede.

Because attorneys work so hard, play by the rules, and do work they believe is honest, I believe they are entitled to as much help as possible when it comes to their careers. It took a great deal for me to become an attorney, and I want to make sure help is available for other people like me.

Conclusion

The Sentinelese's impressions of the outside world have been formed by their limited interaction with it and, most likely, the stories they tell each other about it. They fear the unknown and have an "us-versus-them" paradigm. They see the outside world as a hostile force and for that reason refuse to engage with it.

It is the us-versus-them model of evaluating our lives and existence that should concern us all.

This us-versus-them paradigm means that we will never truly be able to understand and appreciate people who are different from us or have differing opinions. Throughout history, a constant tension has existed between differing groups of people who fought each other over these differences, and much of this history has been extremely unpleasant. Our society exists with an us-versus-them way of thinking and operating--whether it is CNN versus Fox, women versus men, black versus white, non-Muslims versus Muslims, or environmentalists versus nonenvironmentalists--the conflict exists and it seems to be getting worse.

Not understanding the Sentinelese, the world has left them alone. The Sentinelese do not have the benefits (or some might say drawbacks) of participation in the larger world. Because they are isolated, they do not have access to what civilization has to offer--a diversity of people and experience, food, health care, entertainment, mobility and transportation, education, progress, wealth, and jobs. Would they be better off if they were part of the larger world and allowed themselves to be integrated with it? How do they feel when they see the outside world--boats, airplanes, helicopters, and people with skin color that is different from their own? What do you think they think it all means?

The paradox of this is that everyone at one time or another feels like an outsider. People all over can at one point sense their isolation and exclusion from a larger or better group.

My journey to write this book came out of the necessity to understand the need for inclusion that is prevalent in the legal profession--and society as a whole. What have I learned and what is this all about?

I believe we all want to feel included and do not like it when we are not. We want to be evaluated for what we can contribute and not penalized by our sex, race, religion, sexual orientation, class, and other factors over which we may not have any control. We want to participate in the workforce and be accepted for who we are. No one wants to feel left out. The need to be included is among the most powerful drives there is.

In the past, not being included in the group meant we would not be protected from hostile elements outside our immediate group, we'd not have food, we'd not be able to reproduce, and often we'd die. Our ancestors had strong reasons for wanting to be included. Many people came to the United States precisely because the social order of their former homelands made them feel excluded. Part of what makes America what it is is the fact that people believe they can get ahead with their qualifications and not by the circumstances into which they were born.

Today, when you are part of the "in-group" wherever you find yourself, you often have access to the sort of knowledge you need to get ahead. The biggest benefit of belonging to the right groups is the informal knowledge these groups share with you--to help you make decisions with which to advance that you would not have access to without these contacts. The right group can also protect us and make us successful. People can also get behind you and help you avoid roadblocks that would otherwise bring your career to a standstill. The right people can help you get jobs, advance, and make the right decisions with your career when you are connected with them.

The United States is incredibly diverse. Our educational institutions, companies, and law firms all value a diversity of viewpoints, sexes, races, and differences and increasingly abhor those who do not value this diversity. There has certainly been discrimination in law firms and other institutions in the past; however, now most institutions are embracing change and doing what they can to make people from all backgrounds feel included.

Not all diverse people will succeed. Everyone stills needs to do the work and learn and understand the rules to get ahead. Attorneys also need to connect with the right people to learn the rules of each individual firm. No one can succeed if they do not understand the rules and bond with the right people. They also cannot succeed if they isolate themselves and do not make efforts to be included in the larger group. Likewise, law firms will fail to achieve their diversity objectives if they do not make serious efforts to help include diverse attorneys when diverse attorneys do not always take proactive roles to include themselves.

Many young attorneys--diverse and nondiverse--come into law firms without the right tools to succeed. They do not understand how things work. Because they do not have access to the right information, they make mistakes and fail to live up to their potential. For all the talk about diversity in the legal profession, the largest barrier to true diversity is often access to information. Young attorneys cannot succeed until they understand how the system works and the sorts of people they need to become. Law firms do not always provide this information. Feeling isolated from their peers and not part of the larger social dynamic of the law firm, many diverse attorneys lack the sort of information they need to succeed.

When I was in high school, I started reading a series of self-improvement and other books because I wanted to understand what I needed to do to be successful. I read books like *Think and Grow Rich* by Napoleon Hill and *Unlimited Power* by Anthony Robbins and sought out whatever information I could find to help me be a better person and become successful. This knowledge helped me understand many of the thinking processes that I needed to adopt to be successful. I became very interested in how people got ahead and how things worked. My career has largely been based on finding this information and transmitting this knowledge to others. The right information is essential for people to become as successful as they are capable of being. Without this information, you will be held back and may fail--there are too many mistakes you can make.

I do a lot of writing, and my writing has generally been down two paths. I write about personal advancement information that is applicable to all, and I write about personal advancement information applicable to attorneys.

Personal advancement information applicable to all. I have a site (HB.org) that discusses the way people need to be to get ahead in general. I've written hundreds of articles about what people can do to succeed and become better people in their careers and lives. I've studied and thought a lot about this, and this is a large part of my passion in this life.

Personal advancement information applicable to attorneys. As well, I have written hundreds of articles for attorneys to help them avoid various mistakes and "landmines" in their careers. Many attorneys do not have the knowledge to get ahead in their careers or to survive. This comes through daily when I speak with them. They lack an understanding of what to do and how to do it.

To improve, you need to have the knowledge and means to do so. You need to know the rules. If you are not part of the dominant and most important group, you may not always have access to this information and will need to find it on your own. This is one of the main challenges anyone faces in life--knowing the rules for success. Being successful is not just a matter of getting the right education; it is about so much more.

We want what the larger world offers, with its connections, access to opportunity and people, but we are also very tribal in nature and sometimes unwilling to listen to others' points of view. The Sentinelese are isolated and held back because they are afraid of integrating. The world has left them alone because they are different. Many attorneys fail because they are not interested in learning about the rules to succeed or in integrating with others. Law firms fail to become more diverse because they leave diverse attorneys alone and do not try to understand them. People are alone because others do not help them integrate and teach them the rules--but also because they do not seek to learn the rules themselves. The greatest lesson all my study of self-improvement has taught me is that you need to go after what you want and not be held back by your self-perceived limitations. You cannot be a victim. You need to create your own future.

Much of my business is built around helping people from different environments integrate into law firms. But there is much more that I could have done in the past to affirmatively recruit people from diverse backgrounds and connect with law firms seeking diversity. Law firms operate by screening for certain pieces of information (law schools, firms attorneys have worked at, number of years of experience, portable business) and do not always make the diversity of the candidate a priority in their measurement of that person--but I believe they want to.

Over the past several months, my recruiting firm created a position for a full-time diversity officer to study diversity and work with diverse candidates. We have written many articles on our site for diverse candidates and have reached out to firms to tell them that we are interested in finding diverse candidates for them. We speak with diversity officers inside law firms all over the country about the challenges diverse candidates face. We also provide special ways for diverse candidates who need help to reach out and contact us.

Deep down we all just want to be included. We want to find our place and be cared about by others. We want to succeed and not be separate. We also want to include others as well. To include others, we need to understand them and make a true effort to do so and see their point of view. Each side needs to learn each other's motivations. Diversity will only succeed when each side takes the time to understand the other.

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[1] See "BCG Attorney Search Core Values 2010," BCG Attorney Search, 2010, https://www.bcgsearch.com/pdf/bcg_corevalues.pdf.

[2] See V. Wish, "Do Law Firms Value the LLM?" *LLM Guide*, October 22, 2010, <https://llm-guide.com/articles/do-law-firms-value-the-llm->.

[3] See "Where Foreign-Trained Lawyers Can Take the Bar Exam," *National Jurist*, March 3, 2014, .

[4] See, generally, "Law Firms That Recruit and Hire LL.M. Graduates," *LL.M. Road Map*, December 11, 2012, <http://www.llmroadmap.com/blog/law-firms-that-recruit-hire-llm-graduates>, which notes firms that hire LL.Ms and why.

[5] See, generally, "Infographic of the Day: Which Country Has the Highest Paid Lawyers?" *Above the Law*,

September 20, 2012, <http://abovethelaw.com/2012/09/infographic-of-the-day-which-country-has-the-highest-paid-lawyers>, which shows that, in 2012, with the exception of four countries, the average salary of a lawyer is lower than in the United States.

[6] See Hirschman, "Making the Practice of Law Work for Women," 51.

[7] See Franklin, "The 2016 Working Mother & Flex-Time Lawyers 50 Best Law Firms for Women," <http://www.workingmother.com/2016-working-mother-flex-time-lawyers-50-best-law-firms-women#page-4>.

[8] Lydia DePillis, "The Lawyers Who Are Fighting for the Same Rights as Janitors," Wonkblog (blog), *Washington Post*, February 29, 2016, https://www.washingtonpost.com/news/wonk/wp/2016/02/29/the-lawyers-who-are-fighting-for-the-same-rights-as-janitors/?utm_term=.1632fb5c462a.

[9] Moody, "2018 Best Law Firms for Diversity," <http://www.vault.com/company-rankings/law/best-law-firms-for-diversity/?sRankID=36&rYear=2018>.