

Why Partners, Counsel and Senior Associates Without Business Are Employable in Law Firms of All Sizes

By Harrison Barnes from Los Angeles Office Managing Director

Summary: Are senior attorneys employable even without business? Of course they are.

When I first started my career as a legal recruiter two decades ago, I had very little idea what I was doing. Most of the candidates I worked with came from people who responded to various ads I was taking out in print and (newer) online job sites that were appearing on the scene at the time. Lots of the attorneys who approached me were senior attorneys looking for positions--and most of them had no business. Some were employed and others were not. Despite this fact, many had been partners in prestigious law firms in the past and had what otherwise appeared to be good records.

It is like this today as well.

Recruiters tend to receive lots of resumes and phone calls from senior attorneys without business--and almost uniformly they view these resumes, calls, and attorneys as a distraction and these attorneys as undesirable. There are a lot of things wrong with the legal recruiting profession. Just as good attorneys can see beyond the obvious and win cases and get favorable outcomes that average attorneys cannot, so too can good recruiters. I believe that the majority of good senior attorneys without business are marketable by recruiters.

A few months into my new recruiting practice, because I was working with so many senior attorneys without business, I decided it was my "specialty." When a publication came knocking indicating they were putting together a "recruiter directory," I made sure to list that I specialized in working with partners, counsel, and others without business--since I did. After that particular publication came out, I started getting even more inquiries from partners and others without business.

I was very hungry at the time to get my burgeoning business off the ground. Most partners and others without business who called me seemed a little astonished that I was so enthusiastic about their candidacy; however, I had nothing to lose whatsoever. I had left the practice of law and was "all in" for legal recruiting (I still am), and I wanted to make placements, did not know the "rules" of making placements and marketed these senior attorneys without business to law firms large and small.

When I would first meet many of these attorneys they seemed "beaten down" and relatively unhappy with their station in life. Other recruiters had told them that without business they were not marketable. In large cities at the time, the number that was being thrown around was that these attorneys needed \$2,000,000 or more in business. In smaller markets, these same attorneys were told they needed \$500,000 to \$1,000,000. Because these attorneys did not have this amount of business, they were often very depressed at their lot in life and believed it was hopeless. Concluding they were in a hopeless situation, the majority of these attorneys were looking for in-house, government and other positions.

Even today, the attorney working in a large law firm without business often concludes that their only sensible option is to go in-house somewhere. They do not believe there are any other options but this, and are told this by the "powers that be" and other attorneys they work with. In-house employment--or leaving the practice

of law entirely--often seems like the only sensible answer. I've seen attorneys working at major American law firms who concluded all was lost without a book of business do things like take positions answering hotlines at Lexis teaching people how to do legal research inquiries; set up solo law offices out of their home using a P.O. Box doing small legal matters for friends and relatives; take positions with companies paying 20% of what they were formerly making because they believe it was their only option; take strange positions with the government that offer no upward mobility and have hardly any challenge or substance associated with them; spend months to years waiting for a good job to appear while unemployed.

None of this makes any sense to me. Never has and never will. Nevertheless, this persists to this day. Attorneys continually give up and settle.

They give up on the fact that they were good enough to spend years in a good law firm learning a skill. They give up on the fact that they were good enough to last as long as they did in a law firm. They give up on the fact that they chose a career and wanted to do something in the first place and did. They give up on their future and the idea that someone else (other than the law firm they were working for) might still be interested in them. There are 25,000+ law firms in the country--if one had a place for you, you think that another might in the future as well?

This giving up on law firms is Twilight Zone type stuff. It is difficult to believe and makes very little sense. If an attorney is smart and talented enough to spend 8+ years in a competitive law firm, they are employable in another law firm, and there is another law firm somewhere (maybe even a better one) that will hire them. There is no question about it. No question. Never believe any recruiter, any peer, or anyone else that tells you that you are permanently unemployable in a comparable position in another law firm. Any recruiter who says this is either lazy or does not know what they are doing. Any peer who says this does not understand the market. Keep this in mind: You were employable at your last firm. Do you honestly think there is not another one of 25,000 law firms in the country where you would not be employable as well?

See the following articles for more information:

[Why Law Firms Reject You](#)

[Top 30 Factors Large Law Firms Consider When Hiring Lateral Attorneys](#)

[21 Reasons You Will Never Get a Job with a Major Law Firm Now \(or Ever Again\)](#)

I worked in major law firms for about three years. When later, as a beginning recruiter, I would see senior associates, counsel, partners, and others coming out of large law firms, my reaction to them was one of immediate "respect," and I believed that they were employable because they were the same sort of people I had used to work for! I needed to serve them just like I did when I was an associate. I went to work for them with everything I had.

I would get on the phone and call firms, meet with firms and send out long, glowing letters about these attorneys to anyone who would listen--often irrespective of the prestige level of the law firm.

"I don't think they would be interested in me" was the sort of refrain I would hear from these beaten down, brainwashed attorneys again and again.

In short order, I found myself being a coach for these attorneys and telling them they needed to pick themselves up and get enthusiastic, stop slouching and get in touch with their potential--because they have potential. I started listening to Tony Robbins CDs, reading inspirational books, taking notes and repeating the stuff I was learning to these slouching, depressed, beaten down attorneys.

The issue is that the "system" and way they have been taught to think about their lives and careers had

drained their potential. As someone who was barely out of their 20s, I was incredulous that I was sitting there counseling distinguished attorneys decades older than myself about how and why they needed to change and realize all was not lost.

Large law firms can be dangerous places--from a career standpoint--if an attorney does not know what they are doing and understand how to navigate their career.

Large law firms are profitable and grow to the extent they work for large clients that will open their checkbooks and write endless checks for legal services--often irrespective of the value they receive. These large companies need hoards of attorneys working on their matters from junior associates to partners. In most cases, the credit for bringing in these large companies will belong to one attorney in the law firm. Young attorneys get trained to do work for these large companies, and the existence of these sorts of clients insures that the law firm can pay high salaries and attract the best and brightest law school graduates. These graduates look good to the clients on paper and justify the high hourly rates.

The problem with law firms is that they do not want a lot of senior people around without business. This is so for a few reasons.

First, senior attorneys without business typically bill high hourly rates, and even large companies would prefer to have more people billing at lower rates than higher rates.

Second, as an attorney's rates get higher, the client would prefer to have partners doing the work and not associates.

Third, partners with business typically make more money when they do work for their clients and not farm it out. A partner might make 40% of the each \$1000 in work she does for her own client (\$400) but only make 15% (\$150) if that same work is done by another attorney. Therefore, these partners are always resistant to give work to others.

Fourth, law firms need to have a consistent "up or out" vibe going through them that encourages associates and others to work as hard as possible for the prospect of being a partner (and billing hours). Law firms need lots of people lower on the totem pole working as hard as possible and doing the best work they can to maintain the system.

Fifth, law firms want people to leave and go in-house because these same attorneys will hopefully refer business to them in the future. This is important for the whole ecosystem to function well. In the largest law firms in New York and other markets, the "vibe" sent to attorneys at almost all levels is that they should go in-house.

Sixth, even if an attorney can bring in clients, in most cases these clients will not be the sort of clients that the law firm is seeking. Large law firms want clients like Xerox, General Motors, Apple and so forth. They are not interested in smaller clients without the deepest of pockets. Large law firms need lots of attorneys to work on these large clients and have no use for matters that cannot be staffed up and enormously profitable for the law firm.

Due to these pressures, most attorneys when they get senior conclude they do not have a lot of options if they do not have business. This mentality is at all levels of the legal profession. Attorneys in large law firms know they will need to leave and conclude this is their only option. Attorneys start in large law firms and believe their career has a "stop date" at some point within the next 5 to 10 years. The large law firm makes it so that these attorneys feel that there is nothing they can do if they do not have a large book of business and so they are under the impression they are "front-loading" their compensation early in their career--making a deal with the devil so to speak.

See the following articles for more information:

[How Can I Make Partner or Make a Move without a Book of Business?](#)

[How to Successfully Network in a Law Firm](#)

[Will I Be Happier at Another Firm, or Are They All Just Basically the Same?](#)

As a young recruiter, I started sending out these attorneys with no business as if my life depended on it. But then the strangest thing happened: Many of them started getting jobs--good jobs. I would often send them all over the country to firms in different locations, and they would often get very good jobs--even better than they had before. I was just 30 years old and working out of a 1,500 square foot house I had purchased when I was in my 20s. Within 4 or 5 months of starting to market these attorneys, I had brought in hundreds of thousands of dollars in placement fees from placing senior attorneys and moved my office to downtown Los Angeles into a high rise building, had hired several recruiters and others to help me and had changed numerous lives for the better.

When I spoke with other recruiters in other firms about what I had been doing, no one seemed to believe me. Nevertheless, my business continued to grow, and I continued to succeed by placing these sorts of attorneys--and I do to this day. This all happened because, to put it mildly, I *"did not know what I was doing."* Had I been following the crowd and doing the same thing everyone else was doing I never would have been making all of these placements. Even today, I make several hundreds of thousands of dollars a year in placements of senior attorneys without business in law firms large and small. None of this is difficult, and whether you use me, or get a position on your own (or through another recruiter), I am going to tell you how you can get a position without business. Any attorney can if they do what I do.

The average recruiter is under the belief that only senior attorneys with business are marketable. This is not true. Senior attorneys with lots of business are more marketable than attorneys without business (much more so), but senior attorneys without business are marketable. It is much more difficult to get senior attorneys without business positions; however, if an attorney without business is marketed properly, they can find a law firm position. The secret is in how the search is done.

Law firms prefer attorneys with business because they are "guaranteed" money makers and the risk is low. The attorney with business will turn over a percentage of the money they bring in to the law firm, and the law firm will leave them with as little as they can get away with giving the attorney in return. This is how the business of law works.

Our company has over 50 people who scour the market on a full-time basis looking for openings for attorneys. We also catalog all of the openings that we find so that we can see patterns and law firms that have had openings in the past. We also note how often law firms are willing to interview senior and other people through us. With recruiters all over the country who have been working with attorneys for the past two decades, we have managed to create a great database of information about how things work in law firms. The way they work is this: Law firms hire senior attorneys without business. They do so far less frequently and willingly than they do attorneys with business; however, they still hire them.

Law firms hire senior attorneys without business because they are businesses and the skills of these attorneys can be sold to clients and bring a lot of value to the right law firm. Law firms typically will hire senior attorneys without business under the following conditions:

The Law Firm Lacks an Attorney With the Attorney's Experience and Qualifications in its Geographic Area

The United States (and the global legal market) is huge, and there are tens of thousands of substantive law firms throughout the country. Some legal markets are very efficient and can fill almost any position they have with the exact attorney they are seeking--other legal markets are not.

Law firms in major markets like New York City have plenty of attorneys to choose from when they have openings. Because a market like this is so large, if a law firm has an opening for a senior trademark attorney with 5 to 7 years of experience, for example, it will have absolutely no problem finding this attorney. There

will be plenty of people who will apply to this position and, if not, plenty of recruiters who will insure they will get applicants for the position.

If the law firm says it wants a trademark attorney with exactly five years of experience, it will find that too. There is no shortage of people in a market like New York for almost every position there is. The salaries guarantee this. The size of the market guarantees this. The number of people willing to move there guarantees this. New York is a hyper-efficient market.

Law firms in a market like New York have the luxury of getting almost any sort of attorney they want. This is something the penalizes senior attorneys without business: If they have an opening for a senior attorney of any type, they are most likely to hire the "least" senior attorney they can find and not the most senior. Law firms will hire the least senior because they want them to work for a few years before asking them to leave and then they will find someone else who is hungrier and will not want to be a partner and share in the partnership profits. They want them as young, hungry and cheap as possible--and they can get it.

In contrast, there are countless markets around the United States like Syracuse, New York; Grand Rapids, Michigan; Orlando, Florida; Minneapolis, Minnesota; Madison, Wisconsin; Sacramento, California; Portland, Oregon; Columbus, Ohio and other smaller markets where there are not going to be a plethora of trademark attorneys--or securities attorneys, or sophisticated bankruptcy attorneys, or environmental attorneys, or ERISA attorneys, or tax attorneys--you get the idea. In these markets, law firms may have large clients that need sophisticated legal services from their law firms. Without a deep bench of local talent to choose from, these law firms are eager for outside, specialized talent--often even when they do not have openings.

I have numerous senior attorneys interviewing in smaller markets all the time. Law firms are businesses. If they have the work, it is in their best interest to hire people to do it. Also, more experience is often better in smaller markets because it looks good to clients. The largest law firms in many smaller markets serve major clients in the area that have used them for decades. Rochester, New York has Xerox and Kodak, Grand Rapids has Steelcase, Minneapolis has 3M, Seattle has companies like Microsoft and Amazon (and used to have Boeing), Portland has Nike, Charlotte has Bank of America. The regional law firms in these areas all need sophisticated attorneys who are senior without business from time to time. They always have. If one does not, another will.

The point is that if you are a senior attorney without business, all you need to do is find a law firm that needs your skills. You will have the most luck in smaller markets where your training and unique skill sets are in high demand, but not always.

Smaller, Up-and-Coming Law Firms in Large Markets Frequently Have a Need for Sophisticated, Senior Attorneys Without Business

Attorneys working in major markets like New York City, Palo Alto, Boston, Chicago, Houston, and others can also find plenty of work if they know where to look. At all points in time, there are countless new(er) law firms being formed in these markets that are bringing in clients that are interested in seeing that the law firm has seasoned talent on its side. This means that when these law firms are pitching work to clients, they want to be able to say they have attorneys working for them who have lots of experience with large law firms, doing sophisticated work. Being able to pitch work like this gives these law firms credibility, and they can use the background of the senior attorney to get the business and get the work done. It is a win-win situation for everyone.

Startup law firms will often be led by attorneys who have an unusual knack for generating business but not necessarily getting it done. To pitch this work, they require attorneys with a certain background, and to do the work, they require attorneys with the right experience. A senior attorney without business can fit in both of these roles perfectly. Moreover, because the senior attorney without business does not necessarily

command the highest salary in all cases, the upstart law firm can pay them less and keep its costs down while it establishes itself.

It is generally not difficult to find these small upstart firms emerging in various markets if a recruiter knows where and how to look. These firms are constantly starting and providing a great springboard for the attorney without business to find a new home. In recent years, I have noticed that the more successful of these startup firms tend to end up merging into the largest law firms within a short period. I often place an attorney in a successful upstart firm, and within a few years, this law firm merges into some giant multinational law firm.

The More Specialized You Are, the More Likely You Will be Able to Find Work if You do Not Have Business

The more specialized an attorney is, the easier it will be for them to find a position. Each month I place senior attorneys without business who have unique, rare skills that are in demand in the market somewhere.

One example is specialized patent attorneys. Many patent attorneys have experience in rare aspects of patent law. In patent law, there are all sorts of different types of work a patent attorney can do--from working with circuits to cells to certain types of machines. If a patent attorney has a rare skill, I can almost always get them interviews with firms if that skill is rare enough. Recently I worked with a partner from a major law firm who has experience with a certain type of laser and patenting things related to that.

The partner was eliminated because the mandatory retirement age of the firm was 65. He thought his career was over. I searched for law firms that had openings for people with experience with that sort of laser in our database and found two law firms over the past 20 years that had advertised for people like this attorney. I sent the attorney's resume, and both firms interviewed him and made him job offers. He wound up in a part of the country he never thought he would (and had never visited)--but was incredibly grateful. He said it was as if he had been waiting to meet this law firm his entire career because they did the exact sort of work he did.

See the following articles for more information:

[How Do I Get My Dream Job in a Law Firm in a Tight Market?](#)

[The Only Seven Reasons a Law Firm Will Ever Make You a Partner](#)

[As a Mid-level Associate in a Big Firm, Should I Move to a Smaller Firm to Become a Partner?](#)

This same pattern works in all practice areas where there are not a lot of people with the requisite skills and experience: Food and drug law, ERISA, antitrust, international arbitration, trust and estates, franchising, tax, different types of corporate and litigation-related specialties, insurance coverage and more.

Regardless of your practice area, if you have rare skills in something, there is going to be someone somewhere who needs these sorts of skills that you have. Finding these law firms is not difficult if you know where to look.

All Law Firms Hire Attorneys Without Business if the Law Firm Has Major Matters Where Senior Attorneys With High Billing Rates Are Valued

In the largest markets, law firms will often hire attorneys without business if they have rare skills. In practice areas like corporate, bankruptcy and others, many major law firms in markets like New York and Washington, D.C. will regularly hire attorneys with specialized skills in a given practice area.

If a large law firm represents major clients in a certain practice area, they will often need attorneys at a senior level because their clients are willing to pay. Large law firms often work on huge bankruptcies, for example, and need senior attorneys who can bill out at high hourly rates and fill out the team. They may not need attorneys originating business as much as they need attorneys who can do the work. The matters and clients are huge, and there is a business case for them having senior attorneys without business on the matters.

Law firms often have huge class actions and other sorts of cases where senior attorneys without business can also be beneficial. In securities litigation, the law firm may just require lots of bodies on the issue and not necessarily be concerned with the amount of business an attorney has. In corporate, attorneys with specialized skills may also be in demand.

Why Senior Attorneys Without Business Do Not Often Get Positions

When a senior attorney loses their job, or believes their run in a law firm is over, the biggest issues that complicate their search are whether or not the attorney is willing to be flexible, whether or not they are willing to look in as many areas and places as they should and whether or not they believe in themselves enough to go after a new position.

I would say that close to 25% of the senior attorneys I speak with, end up getting "spooked" and decide not to proceed with their searches. They get spooked because I am completely honest with them about what it is going to take for them to get positions:

You Need to be Willing to Look at Lots of Markets

In most professions, you go where the jobs are. When I was 15, I moved with my father and family to Bangkok, Thailand from Detroit because that was where he got a job. You too need to be flexible. I've worked with attorneys who were unable to get jobs in the U.S. but who got them in Saudi Arabia, Dubai, Hong Kong and all sorts of other exotic places where their skills were in demand--you need to do the same. I once worked with a senior international arbitration attorney who had been working as a bartender for the past three years because he could not find a job but the second he began to look internationally, he started getting interviews and offers.

I worked with a guy recently from Australia whose family was in New York City with him (his wife was in America), who had a rare skill that was in demand from a firm in Grand Rapids, Michigan. He would have gotten the job and stayed with his family in the U.S. but did not go on the interview because he was under the impression that this highly-educated city with some of the best public schools in the country and a great standard of living was inhabited by lumberjacks. Now, his wife is in New York City, and he is living in Australia without his family. You need to go where the jobs are. They may not be where you want them to be, but that does not matter. Attorneys need to work where the jobs are.

You Need to Be Willing to Look at Lots of Firms

Nothing is more important than looking at lots of firms. This is crucial. This spooks out a lot of attorneys. While it is possible, a senior attorney without business will have a difficult time getting a position unless they are willing to approach lots of law firms. The reason for this is simple: No recruiter, or attorney, can understand the business of law firms and whether they can accommodate and make money from the senior attorney without business unless they allow the law firm to make that determination. Law firms are businesses. Each senior attorney they consider is a business proposition for them, and they will judge each attorney differently, and their judgment will also differ depending on their current economic circumstances and enthusiasm about the market.

I regularly see major American law firms--the largest and most prestigious--hire my candidates without business and without them having an opening. These law firms make these hiring decisions because they evaluate the application and see a potential need for the attorney based on the existing and future business they have. They do not make this determination because they have formalized an opening--they make it because there is a business case for hiring the attorney.

The law of numbers suggests that you will be able to get a position to the extent you are willing to knock on lots of doors. Very few law firms ever say they are looking for attorneys with "10+ years of experience and no

business" to assist them. You need to find these positions by knocking on lots and lots of doors. If this sounds undignified, I will submit to you that not working, or working at something beneath your potential, is far more undignified than marketing yourself.

You Need to Be Prepared for a Long Search

Another risk I face when marketing senior attorneys without business is that the attorneys will get discouraged and quit the search. The attorneys often quit the search because they get discouraged after weeks or months between getting interviews, or because they get no interviews at all. If you are going to get a position with a law firm and are senior with no business, you may need to be prepared for a long search. A successful search may even take over a year. It may not be easy--but if you persevere, you will almost always find something. The more open you are to an aggressive search, the faster you will find a position.

The market will not always act as enthusiastically as you want it to because you are not making the same business proposition to law firms as you were when you were younger and less experienced, or as an attorney with business would. A young attorney can be more easily let go, has lower billing rates and is most often hungrier. An attorney with business supports themselves. A senior attorney without business needs to find a law firm that needs their skills and that cannot find these skills in more junior attorneys. The senior attorney also needs to find a law firm that can support someone billing at a higher billing rate. This takes a more aggressive search with a potentially more long-term horizon.

Just because you are not finding a position right away does not mean that you should feel bad about yourself, or that you should quit. This is far from the truth. Attorneys who keep fighting and applying themselves are often incredibly surprised at the results of sticking to it and not giving up.

You Need to Be Aggressive in Your Search

Aggressive means applying to lots of firms and lots of markets--everything I said above. Nothing more and nothing less. Your ego serves no purpose in a search for a position at a senior level. You need to do whatever you can to apply to as many places as possible and get a position. There is no other choice. You need to go all in and not give up.

You Need a Recruiter Who Is Not Lazy and Does Not Give Up

My approach is simple: I go all out for the senior candidates I work with. Your career is on the line. I have changed countless lives doing this because senior attorneys I have placed have often built books at their next firm, been handed "legacy business" by the firm I placed them in, and in all cases have managed to continue and prolong their careers with a new firm. This is due to going "all in."

If you are going to get a position, your recruiter needs to be constantly on top of the market and know what they are doing and have your back constantly. They need to do whatever they can in their power to market you as effectively as possible. Your recruiter needs to be researching the market aggressively (we have over 50 researchers) and should never be giving up. Your recruiter needs to get behind you knowing that doing so will work in the long run.

The Odds Are Your Next Position Will Be Much Better Than Your Last

Most senior attorneys that I place are still at the last firm I placed them at. This is 10+ years later. Not all of them--but most. The reason for this is simple: When a law firm hires a senior attorney without business, they have a place for them and do so generally knowing they will for some time. When a law firm lets a senior attorney go, they do not have a place for them. When you are relocating to other markets (especially smaller markets), these markets are also often much more stable than the market you came from. You are often being hired to work for large, long-time clients of the firm. In most cases, you will be much better off when you do find a new position than you were in your last position.

Conclusions

Almost every senior attorney can continue their career in a large law firm if they do not give up and if they go all in. Regardless of whether or not you use a recruiter, you need to remember the following:

- There is a law firm out there that will hire you and needs you.
- The law firm that hires you could be anywhere in the world.
- The next law firm that hires you will need you and will likely keep you.
- You need to look at lots of markets.
- You will need to look at lots of firms.
- Your search could take a long time.
- You need a recruiter who will not give up on you.
- You should not give up on yourself.
- The more specialized you appear and are the easier it will be.
- Your next job is likely to be far better than your last.