

## *Junior Plaintiff-side Labor & Employment Associate in NYC Lands at Mid-sized Labor & Employment Defense Firm in SF!*

I should mention right off the bat that I rarely work with Plaintiff-side Labor & Employment candidates. This is for several reasons: 1) these candidates usually apply on their own and get very quick traction on their own, 2) most of the openings in P-side Labor & Employment are at very small firms that often do not want to pay Recruiter fees and 3) even if a firm is willing to pay a Recruiter fee, I find that there is usually very high turnover at P-side Labor & Employment firms, and it is hard to find one with a good culture that I feel good sending my candidates to.

The candidate that I just placed, however, was a little different. He graduated from a Top 10 law school in 2016, so very recently, only had about a year of plaintiff-side Labor & Employment experience when we started working together and perhaps most importantly, was at one of the few well-known and well-respected national Plaintiff-side Labor & Employment firms (the firm has four offices - in NYC, Chicago, DC and SF). When we had our first call, he told me that he wanted to stay on the plaintiff-side, but it quickly became apparent that he was willing to consider both plaintiff-side and defense-side firms, small, mid-sized and large. What I didn't know at the time was that he was either leaving, being laid off from or being fired from his firm. Perhaps I should have guessed this, as he went from only approving a handful of firms, to approving literally every firm that I sent him. At any rate, I thought that we would have the most success with plaintiff-side firms, as defense-side Labor & Employment firms are usually not willing to consider candidates on the plaintiff-side, despite the work being quite similar on both sides. He was also based in NYC, and I was applying him to firms throughout California but mostly in the Bay Area, where he is originally from and where his family lives. I thought that this added a further wrinkle to his application, as small firms, especially plaintiff-side firms, are usually not willing to wait for a candidate to relocate from across the country, certainly wouldn't pay for a candidate to fly out to interview with them, and as mentioned, there are very few mid-sized and larger plaintiff-side Labor & Employment firms (these types of firms usually represent private employers, not employees).

This candidate was interested in opportunities in both NYC and the Bay Area, but I later found out that he preferred NYC. My East Coast colleague and I submitted him to all sizes of firms in both NYC and throughout CA, and I ended up securing him four interviews at small plaintiff-side Labor & Employment shops in LA and the Bay Area and one interview at a mid-sized Labor & Employment / Education / Public Entity defense firm in SF, and my colleague one interview at a small defenseside Labor & Employment shop in NYC. I was honestly very surprised that he was able to secure two defense-side interviews. I think that this is because he attended a Top 10 law school, and is at a national plaintiff-side Labor & Employment firm. He is also barred in both NY and CA, the two hardest bar exams to pass in the country, so this may hold value to certain firms.

I think that what this candidate did right was allowing my colleague and me to submit him to all sorts of opportunities, at small, mid-sized and larger law firms, and in NYC and throughout CA. This candidate ended up turning down entirely or refusing callback interviews with the four plaintiff-side Labor & Employment shops, but he did interview with my mid-sized defense firm and my colleague's small defense firm in NYC. My defense firm flew him out to SF for his callback, which he liked and appreciated, and which showed to him that they were serious about him. My firm extended an offer the morning after his callback, and gave him a week to accept or decline. My colleague's defense-side firm only popped up asking to interview this candidate three days before he had to accept or decline my offer. This put him in a difficult situation, as he preferred NYC for personal reasons, but he already had a great offer in SF lined up, and at this point had already left his firm. I impressed upon him how difficult it would be to secure another great interview let alone an offer after leaving his firm (potential employers immediately become very suspicious of candidates who are no longer with their firm, and usually won't interview them, as they think that the candidate is a firm

hopper, a bad employee and / or can't get along with others). My mid-sized firm conducted his callback interview after he had already left his firm, whereas he was still at his firm for the phone screen with the firm. So, the fact that the firm still decided to extend an offer, even knowing that he had left his firm was, frankly, a miracle.

In the end, the decision wasn't a difficult one for this candidate. The NYC firm told him that they didn't plan on making any decisions anytime soon, and even though the firm seemed sophisticated from their website and had attorneys with impressive credentials and pedigrees, he didn't like the type of work that he would be doing at the firm. This candidate realized that he had better accept the sure-bet offer that he had, rather than waiting and hoping for the NYC firm, or another NYC firm to surface and request an interview. Some candidates who are out of work are unrealistic about their marketability and job search prospects, but this candidate was not!

This candidate secured a significant base bump compared to what he was making at his previous firm, as well as a generous signing bonus, even despite the fact that he was unemployed! I was able to help him with this, as I've placed three other candidates at this same firm, and they were all offered between \$5K and \$10K signing bonuses. I was able to ask for a \$10K signing bonus for this candidate, citing his cross-country move, and they quickly complied.

The lesson I learned with this candidate was that junior Plaintiff-side Labor & Employment candidates can transition to the defense-side, and even at mid-sized and potentially larger firms, especially if they attended a good law school and did relatively well there, as this candidate did. Transitioning to the defense-side is a career changer for this candidate. He is now marketable to all sizes of firms, including Big Law firms, should he choose to make another transition in a year or two. His future in-house prospects are also a lot better, as defense-side employment litigators are always valuable to in-house legal departments, or he could consider a future transition to government as well. If he had stayed on the P-side, he would have likely been stuck working at small P-side Labor & Employment shops for the rest of his career, with their high volume of clients and cases, demanding work and high turnover rates. I am very excited for this candidate and know that he will excel on the defense side!