

Will a Law Firm in California Hire Attorneys Without the California Bar?

By Harrison Barnes from Los Angeles Office Managing Director

Attorneys from all over the United States want to move to California and work here without the California Bar exam.

While *attorneys can get hired without the California Bar Exam*, there are excellent reasons for

law firms not to hire attorneys without the California Bar exam--but also numerous exceptions for when they hire attorneys without the bar.

California is a great market to practice law.

Southern California has beautiful weather, beaches, lots of great communities, and opportunities inside law firms.

Throughout the state, there are very sophisticated law firms and work.

Northern California has extremely sophisticated corporate work and patent work, and there is always much demand.

In both parts of the state, there are also lots of opportunities for attorneys to go in-house to major companies

after practicing in law firms ■ Unlike New York City and many parts of the East Coast, most California

attorneys buy houses, have yards, cars, and relatively healthy lives with ample opportunities for outdoor recreation and other activities.

Why Law Firms Are Reluctant to Hire Out-of-State Attorneys Without the California Bar Exam

1. Lots of People Fail the Bar Exam, and it is a Huge Risk Hiring You Without It

Law firms are reluctant to interview and hire you if you have not passed the California Bar Exam because

many people take the exam and do not pass. *While the pass rates differ from year to year*, the pass rates on

the attorney examination (for attorneys who are already practicing when they take it) and the regular bar exam are low. Statistically, more than half of the attorneys who take the exam fail, and typically law firms have no way of knowing who will pass and not when they hire lateral attorneys. Attorneys from the best law schools fail all the time--your law school, the firm you worked at, and experience will not prevent you from failing the exam.

If you fail the bar exam, the law firm knows that you will need to take another month to study for it. Studying for and worrying about the bar makes you distracted, not focused on work, and not the sort of attorney they want around.

Law firms also know that if you fail the second time you take it, they will need to fire you. It is embarrassing for them if you fail the first or second time. It does not look good to the firm, the other attorneys there, or their clients. It also is quite common for lateral attorneys to fail the bar exam one or more times. Due to this, law

firms figure it is too much of a risk to hire a lateral attorney, and rather than do it, they just do not hire you at all.

2. There are Already Tons of Attorneys for Most Openings in California and Law Firms Most Often Do Not Need to Hire People from Out of State

There are hundreds of thousands of attorneys in California. *If a law firm has an opening, the odds are they can fill it with in-state attorneys--the market is enormous. There are also many outstanding attorneys* for law

firms to choose from when they have openings - there are a ton of attorneys in California with amazing qualifications.

Because there are so many amazing attorneys in California, the law firms do not have a ton of incentives to hire out-of-state attorneys when they are looking to fill positions. There is just too much risk for firms if you fail the bar exam. Most law firms would instead hire less qualified attorneys with the California Bar than one without the California Bar.

3. Many Attorneys Flirt with Coming to California but are Not Committed to it

During economic booms in Silicon Valley, harsh winters on the East Coast, and at different times, California becomes a place where attorneys want to relocate to - but are not always serious about doing so. Attorneys try and work in California with no ties to the market because they believe it is something that they might enjoy--but they are just flirting with the idea. Law firms waste much time interviewing and screening candidates from New York, Washington, DC, and other significant legal markets. These attorneys often reject offers because they are not serious about relocating.

Law firms do not like to waste their time--even if they think you might be a good candidate for a given position and have strong qualifications.

The California Bar exam is something that takes a month or so of dedicated study, and if you can pass the exam, it shows that you are likely committed to working in the market. Law firms love seeing this because it shows a level of commitment, and they know that if they engage in conversations with you that you will likely reciprocate.

4. Unless You Are in a Transactional Practice Area, there is Very Little Demand for Attorneys Not Already Barred in California

There is an oversupply of litigators and attorneys in many non-transactional practice areas in California ■

There always has been as long as I can remember. It is difficult, to impossible, to get a position as a litigator in California without the bar exam. Clerks or litigators with specialized litigation experience can get jobs (you are an intellectual property litigator with a Ph.D. in electrical engineering, for example, and a graduate of a top law school, relocating to California from a top law firm). Family law attorneys, insurance litigators, and most other litigation forms will all be challenging to transfer to California without the bar exam. Most of these practice areas require an understanding of local law and rules, and you need to be admitted to the bar to

sign pleadings in court.

Most corporate work, patent work, employee benefits, and other areas of law involve federal law. Most litigators need to learn state procedural law and court rules, which makes local attorneys more attractive than out-of-state attorneys, especially those without the bar exam.

5. Many Attorneys Move to California, find they Do Not Like it and Leave: It is a Major Risk for Law Firms to Hire Out-of-State Attorneys Without the Bar Exam

California has very high taxes, expensive housing, and long commutes in many areas. Some parts of California are inordinately hot in the summers. Other areas of California are filthy (San Francisco). Socializing with people outside of work can be difficult due to the long driving times between spread-out communities in cities such as Los Angeles. The legal environment is extremely competitive, and it can be challenging to get a position. Public schools are just terrible in many parts of the state--even in many very affluent communities.

Therefore, many find they do not like California and want to leave once they get there. It is widespread for attorneys to move to the state, find many things they do not like about it, and end up leaving and wanting to return to where they are from. Law firms often prefer to hire proven commodities and people already working and living in California to avoid staff turnover.

How to Overcome the Bias Law Firms Have Against Hiring Out-of-State Attorneys Without the California Bar Exam and Get a Law Firm Job in California Without the Bar

1. Transfer with Your Law Firm to California if Possible and Take the Bar Exam After Transferring

The most obvious solution is often the easiest. If you work for a national law firm with an office in California, you can

simply ask them if you can transfer there. If you are well-regarded by your firm, rather than lose you to another law firm, they may just agree to this.

I have seen attorneys transfer and not take the bar exam - for years! While most national law firms expect you to take the bar exam immediately, you can usually get away without taking it in some firms if you are very busy at work.

The risk you run if you ask this, though, is that if you ask and say "no," they will expect you to leave in the future. You will stop receiving the best assignments, might be the first to be laid off, and the firm will get suspicious anytime you are out of the office--especially during bar exams.

A good strategy is to seek out work from clients and partners in California and start traveling there for work as much as possible. Suppose you can form robust relationships and privately express a desire to work in California. You may be able to transfer to California with no preexisting contacts and work there.

If you transfer to California with your firm, they may even give you a month or more off to study for the bar exam, a bar exam stipend, and even a relocation allowance.

2. It is Easier to Get Hired in California Without the Bar Exam if You Are in Law School, or Just Graduating from Law School, or in a Clerkship Right Out of Law School

The most natural time to get hired without passing the bar exam is during your third year of law school, or after you graduated from law school and have just taken, or are taking, the bar exam. If you are in a clerkship after graduating from law school, the law firm also figures you can finish the clerkship in June or so and take the bar exam at the end of July.

Most attorneys who get hired without passing, or taking the bar exam, do so when they are in law school, just out of law school, or clerking for a year or two after law school.

3. It is Easier to Get Hired Without the Bar Exam in California if You Are in a Practice Area Where there is High Demand for Lateral Attorneys

There has been a strong demand for various types of attorneys in California at different points in time, and they will hire you even if they do not have the California Bar Exam.

When the economy is doing very well, large law firms in Silicon Valley typically need all sorts of specialized corporate attorneys. There is so much demand for these attorneys that many are often willing to take the risk and hire you without the bar exam. Other practice areas where attorneys may be rare include different types of patent attorneys, employee benefits attorneys, and transactional attorneys in practices such as real estate and finance. Attorneys with specialized litigation experience can get hired--but it is still much more difficult for them to get hired than attorneys with the bar exam. Most niche practice areas are marketable in California without the bar exam if there are not enough of these attorneys to hire locally. Environmental attorneys, for example, are often hired without the bar exam.

Despite this fact, however, this is not as common as it might sound. It used to be more common in the late 1990s and early 2000s than it is today. Today, most law firms will try and fill openings using locally, already admitted attorneys than using attorneys from out of state due to the issues with hiring attorneys without the bar exam. California considered to have a ton of opportunities for attorneys in corporate and intellectual property, mainly, and there is not the shortage of attorneys there once was in the market.

We place several out of state attorneys without the bar exam in California most months. Despite this fact, it is becoming

more difficult, and the attorneys from out of state tend to face numerous obstacles compared to local attorneys.

4. As a Lateral Partner, it is Much Easier to Move to California if You Have an Existing Book of Business that is Substantial

If you have preexisting clients and business, law firms in California may be willing to hire you if this is enough business to cover your salary/draw and overhead associated with hiring you. If you can produce enough revenue for the firm that there is no significant risk in hiring you, they may be willing to take a chance.

Law firms are businesses. They make money by paying partners less than they generate in revenue and paying associates less than they are charging for the work the associates are doing. In terms of partners, law firms need them and rely on the revenue they generate for firms. If you are a partner with a book of business relocating to California without the bar, law firms will be interested. That said, there is dramatically less interest in lateral out of state partners with books of business than there would be for the same partners already working and living in California with the bar exam.

5. If You Want to Get a Job in California Without Passing the Bar Exam, It is a Good Idea to Study for and Take the California Bar Exam Before Applying to Jobs in California

If you have already taken the bar exam (and do not know if you have passed it yet), law firms will be more likely to interview and hire you than if you have not. It is common for attorneys to take the bar exam, apply to a

law firm in California, and *get interviews and offers contingent upon them passing the bar exam.*

If you are serious about moving to California, taking the bar is an excellent way to prove it. Once you pass the

bar exam, it is much easier to get jobs in California. Your best bet is always to take the bar exam before trying to move to California.

6. You Can Try to Get a Job in California By Getting a Job in California that Does Not Require the Bar Exam and Study for the California Exam While in that New Job

One of the smartest things an attorney can do who wants to work in California is to get a position in California first. There are plenty of jobs you can get in California without the bar exam.

Litigators can get clerkships in California without the bar and study for the bar exam while clerking.

Most types of attorneys can get positions in-house and study for the bar exam while doing these jobs.

However, it is difficult to transition from most in-house positions back from a law firm--but not impossible.

If you are already living in California, working here and have taken and passed the bar exam, you are going to be in a far better position than if you are trying to move here from out of state, do not have the bar, and have no work history here.

7. You Can Sign Up for the California Bar Exam and Tell Firms You Have Signed Up to Take it When You Apply

Signing up for the bar exam is a good idea, but not necessarily the best way to impress employers. Signing up and paying some fees to take the bar and applying for jobs while studying for the bar is not likely to get you very far--but it can work. Of all of the options, this is least likely to work.

Many attorneys sign up to take the bar and then tell firms they have signed up to make it when applying to them. The problem with this strategy is (1) you still have not taken the bar, (2) the law firm does not know how serious you are, (3) you have not passed and (4) you are going to be competing against people who have (a) already passed the bar and (b) are already living in California for the same jobs.

8. Apply Widely and Into Markets in California Where Other Attorneys Are Not Applying

Numerous markets in California are not that popular to work in. While Los Angeles, San Diego, Orange County, and the Bay Area are popular choices for out of state attorneys, less popular are markets like Sacramento, Fresno, and Bakersfield. These are markets where fewer attorneys want to work, and your odds of getting a job will be higher than in larger, more popular markets. You can also increase your odds of getting hired in more popular and more significant markets by applying to smaller, less well-branded law firms.

9. Give Firms Compelling Reasons for Interviewing and Hiring You in Your Applications

Law firms are more likely to hire you when you have compelling reasons to move to a market.

Compelling reasons for a law firm interviewing and hiring an out-of-state candidate without the California bar exam include:

Your spouse is moving there for their family, their children, their parents, a sick relative, their job.

Your parents are in California, you grew up there, and want to be close to them.

Your biggest client is in California (or most of your clients), and the firm needs you there to do work for them.

The more compelling and believable your reasons for moving to an area are, the more likely firms in California will be willing to overlook the fact that you do not have the bar exam yet.

10. Use Clients, Family, Personal and Other Contacts When Trying to Move to a New Firm in California Without the Bar Exam

When you are trying to get a position in a law firm without the California Bar Exam, you are often going to be well-served if you have people inside of law firms, or who know people inside of law firms, that are going to be willing to go to bat for you. These people can make your case that the law firm should leap of faith that you will pass the bar exam and are likely to pass when you take the bar exam. If there are people the law firm will listen to, then this may carry the day.

11. Use a Talented Legal Recruiter/Placement Firm to Find You a Position in California

I typically have attorneys outside of California without the bar interview with firms in California every week. I have been doing this for over twenty years, and there are thousands of law firms I work with to find positions for my candidates in California. Because of this, I know law firms that are likely to have an interest in various types of candidates and will take their risk if they are from out of state. Nevertheless, it is crucial to understand that this process is not easy, and recruiters have very specialized knowledge that not many others have. If a recruiter seems to know what they are doing, they will be able to tell you specific places where your

experience will be highly valued, and firms are willing to take a risk on you despite your out-of-state qualifications.

Good recruiters can be very useful in placing you because they know the firms likely to hire you and how to position your search, experience, and reasons for being interested in specific markets and law firms. They also know the sorts of people that individual law firms are looking for.

12. Apply Widely to Many Places and Not Necessarily Law Firms with Openings

I started applying to law firms in California a few weeks before my clerkship ended. I had not taken the California Bar exam yet. I simply mailed my resume to dozens and dozens of law firms without any openings I got a job this way.

You are often better off researching firms that have strong practice areas that match your experience and applying to a wide variety of these law firms. Suppose you do insurance coverage, for example, research all law firms that do insurance coverage and apply to them. Just apply to every firm you can that does your practice area in the regions you are interested in, California.

What You Should Not do When Trying to Move to California Without the California Bar Exam

1. You Should Not Quit Your Job and Move to California Without a Job or the Bar Exam

Many attorneys do this, but it is unlikely to be that successful. *Attorneys do this all the time, and it is* frequently a wrong career move.

If you quit your job and move to California without bar admission, you will be giving up the income that you would receive from your current job while studying for and taking the bar. You will also give up the security of that job for the next several months.

Statistically, most attorneys that take the California Bar Exam the first time will fail, and less than one in four repeat takers generally pass. These are bad odds. It is common for attorneys to quit their job, move to California without a job, study for the bar exam for several weeks, fail the bar, study some more, and maybe pass--or perhaps not. By the time the attorney passes the bar, they may not have been working for six months, a year, or longer. Periods of unemployment do not inspire confidence in future employers. It will be challenging for you to find another position, and you will have given up a lot of lost income while waiting for your bar exam results.

2. You Should Take the California Bar Exam Seriously

To pass the bar exam, you need to study for at least four weeks without your studying being interrupted. If you are working at the same time, you may need at least a few weeks and should be studying almost daily.

Anyone who goes to law school can pass the bar exam. However, most people have issues that they do not study enough and buckle down. You need to make sure that you give yourself adequate time to overprepare for the exam and learn all of the material in as much detail and depth as possible. Many otherwise intelligent people are used to preparing for exams and doing well. The difference between most tests and the bar exam is the amount of material tested and the level of detail.

Most people who fail the exam do so because they do not prepare enough. You need to prepare for the exam and take it seriously. The bar exam tests your ability to prepare for it and not your smarts.

3. You Should Not Take the First Job You Get if it is Not a Good Job

There may be law firms that will hire you without the bar exam; however, if you take a position where you may run into issues, this is likely to do you more long-term harm than good. Just taking any job to get in California is not a good idea if it is a firm that is having issues that will harm you in the long run.

4. You Should Not Apply to Firms Without a Good Reason for them to Hire You

Hiring an out-of-state attorney is a significant risk for California law firms. They will not hire you or be interested in you unless you have solid reasons for being involved with them and relocating to California.

You need to have rock-solid motivations for moving, and once a firm is interested in you, you also need to

give the law firm solid reasons you are interested in them.

Conclusions

The best thing you can do to get a position in California is to understand the business reasons that firms hire attorneys.