Why Law Firms Do Not Like to Hire Attorneys From Most Practice Settings Other Than Law Firms

By Harrison Barnes from Los Angeles Office Managing Director

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Most smart law firms will not hire attorneys who are coming from practice settings other than law firms. Law firms will suspect that you may have left a law firm and went to another practice setting because you had performance issues inside the law firm. There are two categories of attorneys in different practice settings: those who have worked in a law firm and left and those who have never worked in a law firm. Both are discussed in this article.

Most smart law firms will not hire attorneys who are coming from practice settings other than law firms. There are some exceptions to this, which I will cover, but most law firms will not bite.

If a law firm chooses between hiring an attorney from a law firm and a practice setting other than one, it generally will not hire the attorney from the different practice setting. In over two decades of trying to place attorneys from practice settings other than law firms, I have seen this happen very rarely.

It is like this in most businesses.

When a law firm is making any hiring decision, it is asking four questions:
- Can you do the job?
- Can you be managed?
- Will you do the job long term?
- Do you want the job?

There are two categories of attorneys in different practice settings: those who have worked in a law firm and left and those who have never worked in a law firm. Both are discussed below.

The Attorney Who Has Worked in a Law Firm and then Taken a Position in Another Practice Setting.
The Law Firms Will Assume You Cannot Do the Job if You Are Working in Another Practice Setting After Having Worked in a Law Firm.

Law firms will suspect that you may have left a law firm and went to another practice setting because you had performance issues inside the law firm. If an attorney has performance issues working in a law firm, he can often escape these by taking a position in a different practice setting. Attorneys find practice settings where their performance is judged less harshly. Attorneys who may not have been happy in a law firm will also often take positions inside of companies.

Doing the job in a law firm may require you to work far more hours than you would like to and be accountable for all your time.

Most attorneys who leave law firms and go to work in different practice settings do so because they do not
like working the sorts of hours required in law firms. One of the main reasons attorneys give for taking a job in other practice settings is to get control over their time. In a good proportion of non-law firm practice settings, it is common for attorneys to leave work from 5:00 to 5:30 pm each day. In contrast, this is quite rare in most law firms. Working inside of law firms can means crazy hours.

I will never forget when I was working in a law firm and remarked to a partner that it was "sad" that a particular attorney did not make partner there and another one did. He said to me: "It is sad, but you have to remember that the attorney who made partner billed 3,200 hours last year and the one who did not billed only 2,800."

Law firms also require you to write down all your time. You need to be accountable for every hour you work on a matter and be prepared to justify and defend your time doing various things. **When an attorney comes from another law firm, there is a presumption that he is doing a specific work that is not there if he comes from another practice setting.** Regardless of the non-law firm practice setting, most companies have no idea of the caliber of legal work required of attorneys in those practice settings. While the caliber of work required from major law firms and well-regarded small to mid-sized law firms is often consistent, it can be all over the board depending on the non-law firm employer, and law firms have no idea what sort of work is required there. Consequently, they are often quite nervous about hiring people from other practice settings because they do not know what they will get.

To get work in a law firm, an attorney needs to do work that is acceptable to the people giving him work, whether outside clients or people inside the law firm. Because the quality of your work determines how busy you are (and your employment security), there is a perception that some attorneys who left a law firm did not last there because they did not do good work. Many attorneys whose work is not well-received in law firms leave and join other practice settings where work is easier to come by. There is a perception among many law firm attorneys that attorneys often go into different practice settings because their work was not well-regarded inside of law firms.

Because lawyers do not walk around with ratings given to them by their former employers, the only legitimate "rating" that many attorneys have is their ability to stay employed with top law firms for an extended period. **When an attorney is laid off--almost irrespective of the legal environment--this is taken as a negative ranking of the attorney's abilities because most law firms keep around their most productive and best attorneys. They do the most valued work and are most in demand. If an attorney leaves a law firm for another practice setting, it almost functions like a "ranking" system that says the attorney is not doing good work and wants to go somewhere where he is likely to not experience the same issues.**

Even if a law firm can get over its suspicion that the attorney's legal abilities from another practice setting are not up to par, it often cannot escape its perception that the attorney's legal skills suffered from being in another practice setting. **Many attorneys who return to law firms from other practice settings do so with radically diminished legal skills.** The work of law firms requires a high degree of attention to detail and efficiency with an attorney's time. Additionally, most law firms doing work for companies do the sophisticated work that companies are not equipped to do in-house. Therefore, the most sophisticated work is generally farmed out and done by law firms. In-house attorneys and those in other practice settings often farm out work and do not do it themselves. **Doing a job in a law firm means you need to develop your own business.** As an attorney gets more senior in a law firm, he is expected to develop his own business. In almost every law firm, this is part of "doing the job" and advancing. If an attorney cannot develop the business as he gets more senior, he cannot do the job.

Attorneys frequently leave law firms and go to other practice settings when they get more senior because they cannot develop work on their own. This means they do not have the networking abilities, are not referred
more work from their clients, are not liked enough or respected enough by other attorneys in the legal community, and do not have the "special sauce" needed to generate their work. Most attorneys do not leave to take positions in other practice settings if they have a good roster of clients or believe having one is possible. Having a book of business gives attorneys a lot of control over their careers.

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Doing the job inside a law firm means you need to be interested in and willing to work for many different clients.

Many times, an attorney who goes to work for the government, in-house, or for a public interest organization will do so because he is interested in only doing work for one sort of client whose mission he believes in. Lawyers often give this as a reason for leaving a law firm. In a law firm, an attorney needs to work for many different sorts of clients, and he needs to represent clients regardless of how he may feel about what the client is trying to achieve. Many attorneys have not wanted to do this and left a law firm because they found representing individual clients to be distasteful and something they were not comfortable with.

Doing the job inside a law firm means being able to tolerate a great amount of uncertainty regarding advancement, keeping your advancement, and remaining with the firm.

On a webinar not too long ago, someone said to me: "You seem like you would have been a great lawyer. Why did you leave a law firm?" I had to give this some thought and then realized that my reason was straightforward: I enjoyed the law practice but was terrified of the uncertainty associated with working in a law firm. I saw partners losing their jobs. I saw people not making partner I thought should make partner. I saw associates advanced for political reasons to partner who should not have been. I saw certain associates get assigned to the best cases because they were friends with someone, and others were given busy work because they did not have the same alliances. The process seemed very uncertain and was frightening to me. I could not stand the uncertainty and decided I wanted to do something completely different that I felt had more certainty.

In retrospect, there were several problems with my decision, and had I stuck with it, I would have had ways to address the uncertainty (develop a big book of business), but I could not see that far into the future at the time. I decided that the law firm route was too uncertain and left. Many attorneys inside law firms make the same decision I did when they leave. They choose a company, government, public interest, academic, or other practice settings they believe will be stable.

Law firms know that attorneys who leave them often do so because they cannot tolerate a law firm's uncertainty.

Law firms often go through ups and downs with the amount of work that they have. When work slows down, they will usually let attorneys go to save money. Lawyers need to be prepared for the uncertainty that can come when work suddenly slows down. A lawyer could bill 2,500+ hours for several years, and then suddenly, there could be a recession, or a few significant cases could settle, and he is out of a job. This sort of employment insecurity is difficult--but par for the course. Partners can suddenly lose their status as equity partners when they do not have enough business. People may not be advanced to partner and counsel roles with very little explanation.

Doing the job inside a law firm means being part of a very competitive environment where your peers do not always have your back.

Law firms are extremely competitive environments. Attorneys compete with one another for work, hours, clients, and recognition from superiors. People play all sorts of political games and undermine one another in
ways that are not always fair. Because of these pressures, many attorneys leave law firms and go to environments that they perceive will have less pressure.

Law firms know that if you are trying to come back from a different environment, you may have left because you did not like the competitive nature of being in a law firm. They know that you may have been unhappy in the past due to this. They believe that the past is likely to repeat itself, and you will be disappointed again.

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Doing the job in a law firm may have social components to it.
Some law firms require attorneys to socialize with clients and other attorneys—often every week. When you work in some law firms, you may have to go out with clients several times per month. Getting work from fellow attorneys may require you to socialize with them outside of work. Many attorneys do not want to be part of this and prefer to keep their work and personal lives separate. Law firms hire people they feel they can get along with and who may be friends with various attorneys there—most attorneys in law firms have friends at work. They want to hire people they can relate to socially and who feel part of their tribe.

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Doing the job in a law firm may require always being available, including on weekends and holidays.
Some law firms require their attorneys to be available on weekends, holidays, and pretty much ready to drop everything at a moment's notice and come into the office or do work at home. Many attorneys leave the law firm environment because they are unhappy with this and do not want to be available all the time. When working for clients with time-sensitive matters, you frequently do not have control over your schedule. It is common for attorneys to leave law firms and go to other environments because they do not like always being available.

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Doing the job in a law firm may require travel.
Some law firms require attorneys to be available to travel and do so frequently. Many attorneys resent having to travel all of the time and leave law firms for that reason.

Doing the job in a law firm may require doing lots of work you feel is beneath you.
Attorneys are given work they do not want to do all the time. Much of the work that the attorney is provided may appear beneath him or demeaning. Nevertheless, when you are in a law firm, you are often required to do work you may not always want to do. This is part of doing the job. The second an attorney turns down an assignment or refuses to do a particular kind of work, he often meets with issues concerning his employer. In some cases, if you turn down an assignment from a certain attorney, he may never ask you for help again.

Law Firms Will Assume You Cannot Be Managed in a Law Firm Environment if You Left to Go to Another Practice Setting.

Being managed simply means that the attorney will be willing to do what is asked of him and not complain or create issues. In every law firm, people support it, and others take a different view. As businesses, law firms need to hire and keep around people who are happy in a law firm environment doing the sorts of things law firms require. If an attorney does not willingly or only begrudgingly do what is asked of him, he is likely to be
difficult to be managed. Attorneys often leave law firms because they have conflicts with other attorneys, are unwilling to do certain types of work, refuse to work weekends or certain hours, and have other management issues that make them difficult to manage. Other attorneys are seen as undermining the law firm or their supervisors or creating problems that show they are difficult to manage. Rather than deal with the same issues elsewhere, they will often try and find other practice settings instead of a law firm.

If an attorney has left a law firm to go to another practice setting, the odds are excellent that he did so because he was unhappy with being in a law firm. Someone unhappy in a law firm is, by definition, difficult to be managed. Most attorneys who leave the law firm environment do so because there are aspects of working in a law firm that they do not like.

Often these attorneys will disqualify themselves during interviews by saying such things as:

"Face time was essential at the law firm, and I did not understand why it mattered where I did the work."
If this was important to the employer, this meant it was something the attorney needed to do to be managed.

"I was doing a lot of small matters for so many different clients and felt it would be better to put all my energies into one client." If the law firm had lots of small clients, managing its attorneys meant it needed them to work on the issues of these small clients.

"I had this crazy boss, and it is was not a good relationship." It is an attorney's responsibility to do the work that is asked of him by his boss or find someone new to work with. Leaving an entire practice setting (a law firm) is not the solution to working with a bad boss.

"The firm had not made a partner in over seven years, and I just did not see a future there." Leaving a practice setting is not a solution to advancement difficulty.

"I was expected to be in the office almost every day and got burnt out." Working long hours is what is required in most law firms. Leaving a practice setting due to this is not the solution.

"Everyone was just so competitive with one another there, and morale was low." Most law firms are competitive. If a law firm is too competitive for you, then you are going to have a difficult time being managed elsewhere as well.

"There was so much travel involved, and I just started a family and wanted to be home more often." If your new law firm needs you to start traveling, it needs to know you will do it.

"The firm was like a social club and getting ahead really meant spending a lot of time with attorneys outside of work." If you cannot get along with people at work, you will be too difficult to manage.

"I was frustrated at the law firm because I was dealing with a boss who was a micromanager." It is your responsibility to deal with and get along with different types of attorneys in your firm.

"The firm felt too disorganized, and I did not like the sense of disorganization there." If the law firm feels disorganized and the attorney cannot deal with this, he will have the same problems with a new firm for equally inconsequential reasons.

"The firm was requiring me to do all this busywork, and I was not getting the right experience." Being managed means being able to do various assignments and pitching in and doing the work asked of you to support the firm.

These things show that the attorney who left the law firm is unlikely to be managed by a new law firm. There will be aspects of doing the job that he simply rejects, and in doing so, he will be unhappy. If someone is unhappy about some part of the job he had before and what was required of him, he is likely to be disappointed in the new job. He will find fault with being in a law firm and not be enthusiastic about working in a new law firm. This will create morale issues and make it difficult for the new firm to manage him as well.

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Law Firms Will Assume that You Will Not Stick Around if You Left a Law Firm to Go to a Different Practice Setting and Want to Come
Back.

Law firms are businesses. They need to hire people who are likely to stick around. Getting new attorneys up to speed costs money. It is bad for morale when people are hired and then leave. Clients do not like it when attorneys go. Law firms need to hire people who can do the work, be managed, and are likely to stick around.

In my experience, almost all attorneys who leave law firms and go into other practice settings and then go back to law firms rarely stay all that long. They almost always leave again. Once an attorney leaves a law firm, he realizes that he does not have to deal with the same sorts of stresses that existed in a law firm and gets comfortable in another practice setting. When he returns to a law firm, he realizes why he left and starts planning his escape once again.

When a couple breaks up and tries to get back together after a long absence, that too rarely works out. The couple may have idolized aspects of their relationship that worked when they were together before. Still, when they get back together, they realize that the same aspects of their relationship that did not work in the past are unlikely to work again. The same things that annoyed them about each other before still annoy them, and they began plotting their next escape. This is what almost always happens. They also resent each other for the past breakup, and there is a lack of trust that their relationship will work out this time either. Because there is no trust and the same issues remain, the relationship is unlikely to work the second time around either.

One of my mentors once told me: "Never rehire anyone." Despite this advice, I did this numerous times. Every single person I ever rehired left again and did far more harm to the company than good. While at the company, they were unhappy, undermined people, and created all sorts of issues. All left again in short order.

Most attorneys who leave law firms for other practice settings leave again. They were unhappy while working in law firms for a reason, and most of them quickly became unhappy again. When they leave the law firm again, they do so because they do not like:

Being accountable for all their time and having to bill a lot of hours. Most attorneys who left law firms did so because they resented the demands on their time and having them be accountable for all their time. They leave again for the same reasons.

They are developing their own business. Law firms rely on attorneys bringing in business to succeed. If you cannot bring in business and have no interest in doing this, you will never be there over the long term to some law firms. Attorneys leave when this becomes a requirement again, or they cannot meet the expectations of this. It is very common for attorneys to represent they will be able to do this and then leave a law firm again when they cannot do so.

It is being willing to work for many types of clients. Law firms represent all sorts of different kinds of clients - some that some attorneys may find repulsive. That does not matter. Being an attorney is about the client and not the attorney individually. Lawyers that go back to law firms often start complaining about this again.

Doing the caliber and amount of work required. The caliber of work required, and the level of detail are different in many law firms than in many non-law firms. Many attorneys resent this and do not stay long after returning. They pick up bad work habits in other practice settings and are not well-received when returning to law firms.

Tolerating a great deal of uncertainty regarding advancement, keeping your advancement, and holding onto your job. Lawyers may have left in the past because they did not make partner, were demoted, or did not like the job's uncertainty. When they come back to a law firm and see the same thing that made them leave before they leave again.

It is being part of a very competitive environment. Very few law firms are not competitive. Lawyers who come back to law firms and see how competitive they are will often allow this to get to them again and leave. Having to socialize with attorneys and clients inside and outside of work. If he joins the wrong law firm, and this becomes a requirement, the attorney may resent this and leave again.
Always having to be available on weekends and holidays. Regardless of the law firm, working weekends and holidays is often required. I have seen countless attorneys return to firms and believe they would not have to work weekends and holidays and then leave when this was called for.

They are being required to travel to meet clients. An attorney could have to travel at any time—and you never know when. If the firm takes on a certain matter, travel could suddenly be required frequently. If an attorney left due to this in the past, he is likely to leave again.

Doing work you believe is beneath you. All attorneys get work they feel is beneath them or do not want to do it from time to time. When this occurs, the solution is not to leave. But many attorneys do.

While nothing is to say that someone who does not like these things cannot be managed, the odds are that if someone leaves a law firm, they left because they did not want to do some of the things most law firms require (above) and will leave again. If someone did not want to do certain things and left a law firm before, they are likely to limit what they will tolerate. Because of these limits, they are unlikely to do everything the law firm asks of them and will not be managed in the way the law firm needs them to be. While not all law firms require attorneys to socialize to get work, many do.

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If You Took a Job in Another Practice Setting, Law Firms Will Believe You May Not Want the Job.
Law firms will assume if you went into another practice setting that you may not want the job. Lawyers can say all sorts of things to convince potential employers that they want to work somewhere, but the fact that they left a law firm makes it believe the attorney may not want the job. Law firms are their own unique business units, and attorneys who go often do so because they have rejected this sort of business in favor of something else.

This is especially the case if you went into something like public interest, academia, or the government. The goals of many public interest organizations are completely at odds with what law firms do. Academia involves a completely different set of skills than a law firm requires. Many government positions are very slow-paced compared to private practice or involve separate work and responsibilities. If you have taken a position other than with a law firm, then the odds are that you will not be interested in working in a law firm and do not want to do so.

Because the salaries of the largest law firms are what they are, many attorneys working in other practice settings often decide at some point that they would like to return to a law firm. When I point out to them that working in the sort of job they have taken outside of a law firm makes it look like their interests are elsewhere, these attorneys will typically say something like: "I can fool them and convince them I am interested in them." Most law firms are too smart for this. Your interests and what you want to do are reflected in the choices you have made with your career.

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The Attorney Who Has Never Worked in a Law Firm and Only Worked in Another Practice Setting.
If an attorney has never worked in a law firm and only worked in another practice setting, the law firm has no idea whether or not (1) the person can do the job, (2) can be managed, and (3) will do the job long term and (4) wants the job.

**Law Firms Will Assume You Cannot Do the Job if You Are Coming from Another Practice Setting with No Law Firm Experience.**

Law firms have no idea how new attorneys’ training is at most organizations that are not law firms. Whether it is a government office, in-house, or a public interest organization, the standards and requirements are different from company to company, organization to organization. This is not the case with most law firms. While there is a pecking order between law firms, most attorneys have a good understanding of the quality of attorneys coming from other law firms. They do not have this same understanding for attorneys who are coming from other practice settings.

This problem is compounded by the fact that the law firm may assume you are not qualified to work there. It is much more difficult for law students and new attorneys to get positions inside law firms than in other practice settings. Law firms know that the most highly qualified potential hires will rarely turn down the high starting salaries and experience of working in the best law firm in which they can get a job. If a law firm sees you do not have this experience, it will assume there might be something wrong with you that made it difficult for you to get a law firm job. This could be something as simple as you got bad grades to more complex factors such as being a bad interviewer or having personal problems.

Law firms have no idea if you can do the job if you were not a summer associate in a law firm (and got an offer). Or if you do not have any meaningful law firm experience. They do not know how you will do in a law firm environment with all its unique demands:
- Billing a certain number of hours each month.
- Working for multiple partners.
- Socializing with other attorneys.
- Relating to clients.
- Doing the quality of work expected in a law firm.
- Being trustworthy and doing what you say you are going to do.
- Being able to work the number of hours required.
- Being able to come up with good solutions to client problems.
- Developing at the same expected pace as your class-year peers in a law firm.

All of this is a mystery to law firms if you come out of a different practice setting. Rather than take this risk, most simply will not hire you.

I see attorneys with no law firm experience join law firms all the time and have many problems and fail. They did not receive the training, learn the work habits, and were unable to rise to the expectations of the law firms they joined. Rather than risk this happening, many law firms just will not hire them.

**Law Firms Have No Idea How You Will Be Able to Be Managed if You Have Never Worked in a Law Firm**

Law firms have no way of knowing whether they can manage you if you have never worked in a law firm. The best way to tell if an attorney is manageable in a law firm is how long they remained with their previous law firm employer. If a law firm has no record of this, it does not know if you will be able to be managed at all. A law firm that hires an attorney who has never worked in a law firm knows nothing about aspects of his performance, such as:

- **How that attorney will take orders.** Law firms are very critical of attorneys and their work. Can the attorney take feedback?
- **Is the attorney a team player or the sort of person who is likely to make trouble?** Law firms get rid of
these people quickly, but different practice settings may not.

**Will the attorney be willing to put in the face time required?** Many practice settings do not require as much face time as law firms.

**Will the attorney be able to work with a wide variety of bosses with different expectations?** Law firms require attorneys to be able to do this.

Most law firms operate predictably, and an attorney not having law firm experience means the firm will be suspicious he can be managed.

**Law Firms Have No Idea if You Will Do the Job Long Term if You Come from a Different Practice Setting**

The only way to tell if someone will thrive and remain in a law firm environment is if he has experienced it already. Many attorneys work in law firms and immediately reject them and start looking at their options about what they can do instead of working in a law firm soon after they start. I disliked law firms so much that I remember reading a book about alternative legal careers when I had only been working in a law firm for about three months. It is a huge risk for law firms to hire someone who has never worked in a law firm if he is not a law student and did not choose to work in a law firm during and immediately after law school.

**Law Firms Believe that if Your Only Job Has Been in Another Practice Setting You May Not Want the Job**

If the only jobs you have had have been in non-law firms, most law firms will conclude this is so because you did not want to work in a law firm to begin with. I speak with attorneys all the time who took positions doing public interest work, working in prosecutors' offices, as law professors and other roles who now want to work in law firms. The problem with trying to do this is that once you have gone on a different path, you have effectively demonstrated that this is where your interest lies, and law firms are much less likely to be interested in you. They want to hire people who want the position, and they are never going to fully trust you want the position if you took one in another practice setting.

**The Only Exceptions to the Rule that Law Firms Will Not Hire Out of Other Practice Settings Exist for Clerks, Some Prosecutors, and Attorneys in Niche Practice Areas**

I place attorneys all the time coming out of different practice settings in law firms. There are exceptions, but not many.

**Clerks with (Summer) or (Previous) Law Firm Experience**

Most attorneys who do a clerkship immediately after law school can get positions in a law firm without too much difficulty. Their odds are dramatically increased if they were a summer associate with a law firm. The federal district court and appellate court clerkships are most marketable.

After a few years of law firm experience, if an attorney clerks, he is also marketable, provided he does not clerk for more than two years. Clerking more than two years makes it look like the person is no longer interested in working in a law firm.

**Attorneys in Niche Practice Areas**

If an attorney is a patent prosecutor, he is more marketable to most law firms regardless of whether he has gotten law firm experience--but much more marketable if he has law firm experience.

Attorneys in some niche practice areas such as healthcare, executive compensation/ERISA, and food and drug law are sometimes marketable without law firm experience. Attorneys in these areas with law firm experience are more marketable though.

There are exceptions made in many practice areas when the attorney's experience is very niche, and exceptions may be made during various high-demand times in the economy. For example, when corporate is very busy, attorneys may be welcome back from in-house, but it is rare.
Attorneys Being Hired Away From Their Clients
I have seen law firms be very impressed with and hire attorneys who were working in-house for their own (or past) clients. This happens but is the exception and not the rule.

Former Prosecutors, Government Appointees, and Elected Officials
Law firms hire well-regarded former prosecutors, government appointees, and elected officials with regularity all the time. Law firms even hire former judges. It is widespread for former assistant US attorneys to take jobs with law firms after several years. It is also common for many high-ranking state and federal government officials to take private practice positions after completing their public service.

Conclusions
If you are interested in working in a law firm, the best thing you can do is not leave if you are currently working in one or make sure you take your first job if you are considering what to do. Law firms much prefer hiring people out of other law firms than different practice settings.

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