



ATTORNEY SEARCH

By Dan Binstock

Think Strategically When Applying to Firms in a Slower Economy

This article addresses an issue that may seem like common sense, but is something many attorneys don't fully appreciate. To provide context, it is currently May 2008 and the lateral hiring market in my city (Washington, D.C.) is active in some areas and dreadfully slow in others.

This article briefly lists two general categories of attorneys seeking new positions, and then explains an important consideration for attorneys falling into Category #2, as explained below.

Candidate Category #1: "I Need a Job ... Now"

If you are very actively looking for a new job, you may have been given advice to be as aggressive as possible and approach as many firms as possible. In other words, just "play the odds and hope that something comes through." If, for example, you are a recent law school graduate or are losing your job, taking a very aggressive approach by contacting as many firms as possible may be your only viable option (assuming you have networked as much as you can).

Candidate Category #2: "I'm in a Slow Practice Area and I'd Like to Test the Market, But I'm Not Desperate to Leave" (Note - "slow practice area" refers to the general state of the practice area in a particular city. For example, corporate/finance is generally slow in New York City right now.)

If you work in a slow practice area and are thinking of making a move—but you're not in any immediate hurry for a new position—you should think very carefully about over-applying to firms. From 2004 to mid-2007, many firms were opportunistically hiring (i.e., hiring very qualified attorneys even if there was not an active position) because they anticipated substantial growth in many practice areas.

Now, in light of the economy, firms are staying flat or reversing course in numerous practice areas. As such, firms are less likely to hire opportunistically than they have been over the past few years.

Here's my #1 piece of advice: If a firm does not have an active opening/search in your practice area—but the firm is one of the few that you would be interested in considering—be careful about submitting your resume. By applying to a firm during a slower period, your chances of getting an interview are obviously much lower.

Here's the problem: Let's assume you are a strong health care candidate and Firm X would typically be very interested in somebody with your background and experience, assuming they had a need. If you apply and are rejected in January, you will be in the firm's system as "rejected." If Firm X does not keep track of the reason you were rejected (for example, "rejected - good candidate but no need"), you will simply be listed as "rejected" in the firm's system.

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Fast-forward 5 months to May, and let's say that same firm brings in a very big client and a new position (for which you would be a good fit) happens to open up. At this point, you could re-apply, but the firm's recruiting department may already see you in their system as "Rejected." In the fast-paced world of law firm recruiting, the recruiting coordinator/manager may not realize that you were rejected only because the firm did not have a need. The firm could assume you were rejected because you just didn't qualify. They would not realize that, if they had an opening at the time you had previously applied, you may have been a very good fit. On balance, though, there are some firms that have very good recordkeeping systems in place and they are able to make this distinction in their database. However, given the uncertainty of which firms use this type of database and the potential for human error, it's safest to apply when you are reasonably certain there is at least a good faith hiring interest for somebody with your background. (We do this all the time for our candidates by sending anonymous "pre-screen" emails to our clients, which allows us to learn whether there is a genuine good-faith interest.)

To make things more challenging right now (given the economy in early-2008), there are many more "soft" job openings on firm websites. A "soft" job opening is one where the firm lists an opening on its website (or, more often, just lets an old job opening linger on the website) but is not in any hurry to hire. Or, the firm may not be hiring at all.

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During a slower market, a number of firms keep job postings on their website even though they do not anticipate hiring for the position. (Why? Because some firms want to give off the illusion of being busy, and some firms always want to make sure they can "cherry pick" superstars if they happen to come through the door. I know, it's somewhat disturbing, but it happens.) Unless somebody (such as your recruiter or an inside source at the firm) knows what's really going on, it's tough to tell whether the position is actually an opening. However, if there's an active listing on the firm's website, there is a much better chance that the hiring attorneys will at least review your materials.

In light of the above, don't let this article scare you about submitting your materials to firms. If you don't apply, you won't ever get the job. However, keep in mind that in light of the above points, a strategic and thoughtful approach is the smartest approach, particularly if you are not in an immediate hurry for a new position. Good luck!