

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK CITY BAR

The Illusion of Security and Practical Implications

Many have seen the practice of law at major law firms or within an in-house setting as a safe choice for earning solid compensation and enjoying job stability. That conception suffered during the Great Recession in the face of mass Big Law and corporate in-house layoffs. But long-term stability was lacking even before that time. The National Association for Law Placement found in 2007 that 78% of entry-level associates departed their initial large firms within five years. (<http://www.nationaljurist.com/content/best-firms-work-life-balance>). Also, promotions to partnership are rare (<http://amlawdaily.typepad.com/amlawdaily/2012/03/the-big-law-partner-lottery.html>), and a 2012 study by the American Lawyer showed that Big Law associates wait on average 10.5 years to become partner. (<http://abovethelaw.com/2012/01/so-you-want-to-make-partner-expect-a-long-wait-and-a-sausage-fest-once-you-get-there/>). But even making partner is no guarantee of security; many service partners without self-sustaining business lost their jobs within the last several years.

Despite the lack of job security within the legal industry, many Big Law associates and in-house counsel act as though they can continue working indefinitely in their current positions and accordingly have the luxury of only considering job opportunities offering compensation close to current levels. I am not suggesting that attorneys should constantly fear for their job security. But like visiting the dentist, an attorney should evaluate her/his job situation at least twice annually. Attorneys who are new to exploring other options lack market knowledge and therefore understandably tend to overestimate their lateral options. They should seek out guidance from other attorneys, their law school career services office, and recruiters as to viable options. The Big Law path is often a short one, and an associate needs to (1) evaluate on a regular basis the best legal (or non-legal) platform for her/him, (2) realistically assess the prospect of getting there, and (3) develop short-term and long-term goals for achieving this outcome. Here are some recommendations for those who are interested in working at a law firm or in-house.

Law Firms

Genuine security within the practice of law comes with a significant, stable client base. The greater an attorney's seniority, the less that a defense-side firm cares about her/his credentials and the more that it cares about her/his business generation. Particularly in firms that do not have major institutional clients, attorneys often need to develop business to achieve partnership status. Attorneys should do what they can to develop business through bar association and networking groups, staying in touch with professional connections and classmates, writing articles, and doing CLE presentations. Sometimes a junior partner can bring in some business but not enough to stay occupied all the time, and can also do firm work for other partners. By focusing on developing business, an attorney moves away from the passive approach that s/he must hope that a firm will confer upon her/him partnership status to an active business development approach that over the long run increases the odds of becoming partner, gets attorneys into the critical habit of developing business, and creates new lateral options for those who have developed business and made new connections in their business development efforts.

Achieving technical excellence within one's practice is also important for advancement to partnership. It is critical to develop strong ties with clients and a broad set of partners and to become as indispensable as possible to partners who have significant clients. Further, developing an expertise within a particular niche of the law can allow an associate to distinguish herself/himself from peers, become a valued

resource to partners and clients, and potentially attract business from new and existing clients that seek mastery within a particular legal area.

Seeking guidance from a career/rainmaking coach is a good investment considering the amount already spent on law school, particularly when an attorney's firm does not provide comprehensive business development coaching.

In-House

Still seen as the golden land by many attorneys, an in-house position may offer an attorney the opportunity to enjoy an appealing work/life balance, solid compensation, and close interactions with business-side decision-makers. But because of mergers, relocations, and downsizing, in-house attorneys no longer have the job security that they had a generation ago. In fact, an in-house attorney may have far worse security than a law firm attorney given that her/his fate is tied exclusively to one client.

An in-house attorney needs to think about relocating to move up the corporate chain and keep ahead of potential layoffs. Having the geographic flexibility to move from city to city for the best job opportunities may be essential in this generation to allow for a long-term in-house career for many, but not all, attorneys. Corporate counsel can also improve job security by becoming more indispensable to their companies. For example, an in-house attorney can develop institutional knowledge that makes her/him the "go to" person for quick answers to issues, and can develop expertise within various areas that are useful to the company that would be hard to find in a replacement attorney.

Andrew Gurman is a Managing Director with Michael Lord & Company, where he focuses on the permanent placement of associates, counsel, and partners at law firms and companies and is a member of the Career Advancement and Management Committee, September 2014.