



Feature

## What to Do When You Are: OVERQUALIFIED

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**On a daily basis in my practice, I encounter numerous candidates who are graduates of Ivy League schools, practice in Wall Street or Magic Circle firms, are pioneers in cross-border work, are leaders in their respective industries, and, generally speaking, sit at the upper echelons of their practice areas.**



Largely, these folks have spent upwards of 10 years in practice; however, some are more junior. Some pepper their resumes with in-house stints or LL.M.s from top educational institutions abroad. Others sit on some of the top boards in the country and are experts in business as well as law.

What do all of these folks have in common? They are often viewed as “overqualified.”<sup>1</sup>

In the New York City market, as well as some of the top markets in Europe, such as London and Paris, I have found that there are numerous people who find themselves “overqualified” in what are supposed to be their most productive years. Whether they are 30, 40, 50, or 60, these folks find that although they absolutely have the credentials, they cannot find positions in law. Why is that? And what can such individuals do about it? First, let’s examine the “why.”

Because New York and other top cities serve as epicenters of the world relative to the legal and financial industries, these markets are inundated with candidates who seek to practice in them. Every day, lawyers armed with top qualifications pour into these major cities seeking big-firm life and sophisticated legal work.

Law firms know this, and they rely on it. Thus, if a firm needs a stellar third-year in high-yield finance, it can find one... easily. If it needs a seventh-year with cross-border expertise and PRC admission who is fluent in Mandarin and Putonghua, it can find one...easily. If it needs a second-year with a proclivity for hedge funds and broker/dealer work, it can find one, again, easily.

What does this mean? It means that because law firms can easily find what they need among the junior-level (first through second year), mid-level (third through fifth year), or

senior-level (sixth through eighth year) candidates already existing in the marketplace, there is usually no need to think outside the box when it comes to hiring. There is usually no need to look at those with even better qualifications, broader experience bases, or more academic degrees.

Simply put, no matter what your experience, firms in the big cities rarely hire attorneys above the eighth-year level unless such candidates are practicing in specialty areas (such as ERISA) or come bearing portable business.

Some will ask, “Why not hire an allegedly overqualified 10th-year lawyer as a seventh-year or even a sixth-year?” Wouldn’t getting a seasoned lawyer for the price of a sixth- or seventh-year make sense to a law firm? Unfortunately, the truth is that even if a candidate is willing to come down in class to mid-level or senior-associate status, firms will rarely consider this option. Why? Well, they worry about how to properly compensate such a person; how to properly title such a person; how well a person like this will fit in with others in the group; how easily a person like this (who is a 1997 J.D., for instance, classed as a sixth-year) will take orders from a 1999 J.D., etc.<sup>2</sup>

Law firms are risk averse, and as such, they worry that taking on people who are overqualified might rock the apple carts of their already-established practice-group environments. So they tend to hire those who are more junior and train them rather than hiring those deemed overqualified.

In addition to the above, firms worry about conflicts. The more experienced you are, the more likely you are to have been exposed to varying clients and varying industries. Very often, this leaves a candidate “conflicted out” of working with certain firms because the firms can’t clear conflicts during the hiring process.

Considering the obstacles—(1) hierarchal chain-of-command problems, (2) pay considerations, (3) title determinations,



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and (4) conflicts issues, among others—many firms in the larger cities in the U.S. and international markets opt out of hiring candidates whom they perceive to be “overqualified.” So what’s a candidate to do?

First, understand and accept the marketplace. You can only understand your value in the marketplace by understanding your competition’s value in the marketplace. If a market is already flooded with top junior, mid-level, and senior candidates who are “all the rage,” it is likely that your value as a seasoned, overqualified candidate will be lower because firms can get exactly what they need from the range of candidates already within reach. Thus, your arrival in the marketplace may serve to further flood an already-flooded candidate pool.

Hence, try to be open to other markets. While New York firms sometimes fail to value overqualified associates, Denver firms, for instance, do not. They appreciate their New York-style expertise. Similarly, Kentucky enjoys a strong relationship with patent-focused practitioners, regardless of their alleged overqualification. Upstate New York (Albany, Rochester, and Syracuse) very often considers seasoned litigators to be of interest—especially if the candidate is from the area originally. Seattle is another community that will consider senior litigators, while Phoenix and Cleveland relish senior corporate and IP folks.

In other words, it is a simple truth that some markets in the U.S. are better than others for an “overqualified” candidate. Thus, you should know your market and open up your mind to other markets that might offer you unanticipated, but better, paths. You may be able to create something wonderful for yourself.

Second, consider pursuing a niche practice. Very often, my overqualified candidates have found that in order to be “of interest” to firms, one needs to offer something more. Quite regularly, “overqualified” candidates with niche practices in areas such as ERISA, pharmaceutical licensing, or healthcare, for example, manage to stay extremely marketable because they can offer something that other people cannot—experience in practice areas in which few practice.<sup>3</sup>

Third, don’t let ego get in the way. Very often, lawyers walk down certain, clear paths until their eighth, ninth, or 10th years, when they either become partners or need to move on. Because they are so used to the predictable patterns their lives have followed up until that point, being seen as overqualified (almost overnight) can be a rude awakening. Many refuse to accept it emotionally and spend two years

unemployed in big-city markets waiting for the day when a new firm is going to notice their value and hire them. This is never time well spent. If you are perceived as “overqualified” in a certain market, take it as a compliment and move on. Know your own value, but don’t let your ego hold you back.

Fourth, consider nontraditional career paths. Although law firms don’t always have the capacity or desire to take on “overqualified” candidates, companies hiring in-house counsel often do, as do educational institutions, recruiting or consulting firms, journals, and other groups that value those with J.D. degrees.

One of my closest friends was a lawyer for 25 years before becoming a highly successful legal recruiter. Another practiced for eight years, quickly becoming overqualified for new roles in his practice area and, therefore, moving in-house on the business side. Yet another left the practice of law after six years when she found herself “conflicted out” of many new patent positions. She landed in the academic world as a professor.

Based upon the foregoing examples, one thing is clear. “Overqualified” is not a curse. It is simply a tag that law firms often place on candidates who, for some reason or another, do not fit the typical candidate profile due to too much varied experience, too many academic degrees, or too much time spent in practice.

If you are an “overqualified” candidate, you are likely asking a law firm to think outside the box for you. When it won’t, the best things you can do are think outside the box for yourself and remember that a J.D. is one of the most versatile degrees one can obtain. Your career path and related success are not limited by whether or not you are deemed “overqualified.” They are only limited by how much you value this label.

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1This article has been written from the perspective of the typical law-firm employer situated in a larger market.

2This article has nothing to do with age. The terms “seasoned” and “senior” can apply to a 33-year-old lawyer who has been practicing for eight years. When used to describe lawyers, “seasoned” and “senior” refer to how long it has been since they received their J.D.s.

3Many candidates ask me about retooling by taking measures such as getting an LL.M. in tax or taking the USPTO patent bar. Unless you are already practicing tax law or intellectual property



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law, I would strongly advise against “retooling” in such ways. Even if you graduate at the top of your LL.M. tax class in 2007 and want to “begin again” as a first-year tax lawyer, the fact that your J.D. hails from 1993 may mark you as a very

experienced applicant, and firms may only see you in this light. Hence, if you do wish to get your LL.M. in tax, talk to a career counselor before plunking down the tuition just to make certain you’re walking down the right path.

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