

To Temp or Not to Temp

[by Robert Gibbs, Esq.]

This week, one of our legal recruiters discusses the pros and cons of attorneys taking on temporary positions, both from the perspective of the firm, whose work often requires it, and the attorney, whose finances sometimes demand it.

Whether to take a temporary position while either waiting for a permanent position or between jobs is the question faced by a large number of attorneys and new law school graduates in the job market. Although BCG only handles permanent placement, we are often asked for advice with respect to the temporary market in general, and how temporary position affect a lawyer's marketability for permanent positions. For an out-of-work lawyer, the question may seem simple enough at first blush, since temporary work is, among other things, a paying job. I suggest you give it a closer look before making a final decision. Being a temporary attorney can have a greater effect on your legal career: it is more than simply serving as a way to make money until you find your next or first permanent position.

The Benefits From The Law Firm's Perspective

Mounting economic pressures have forced the legal profession to explore new ways of increasing productivity and efficiency while reducing costs. As a result, many law firms routinely engage attorneys on a temporary (contract) basis for specific projects. During peak work periods, special projects, family leave or for other needs specific to each firm, contract legal staffing makes good business sense. In fact, compared to other professionals, attorneys are uniquely suited for temporary assignments. They are trained to come in, analyze each situation, and quickly and efficiently solve the problem presented. Employing contract attorneys is a good method for law firms to reduce their costs in several ways. As soon as an assignment or project

ends, the contract attorney goes away.

The law firm has complete flexibility to staff on an as-needed-basis. An attorney working on a contract basis is not an employee so the law firm is not required to provide employee benefits and avoids any overhead costs such as payroll taxes, vacation, sick leave, severance, etc. Also, the firm avoids the hidden costs associated with permanent association with the firm such as training, partnership, etc. For these reasons, employing contract attorneys for large projects is very appealing to law firms.

As good as contract work can be from the employer side, it is not necessarily as beneficial for the attorney performing the work. Before handling exclusively permanent attorney placements, I was a legal recruiter who handled, among other things, temporary positions. I have found that temporary attorneys usually fall into a few categories. The four major categories are what I call: 1) career temps, 2) supplemental income temps, 3) in-and-out temps and 4) hopeful temps. Let's take a close look at each.

The Career Temp

The career temp is an attorney who, either by choice or by circumstance, makes a career out of performing temporary work at firms. Counter intuitively, this is a permanent temporary attorney. There are different roads to becoming a career temp. Take for instance the recent law school grad who has not secured a job prior to graduation. He/She may look to temping as a means to earn money until he/she finds a permanent position. It

only makes sense to want to support yourself and at least start making a dent in your student loan debt while continuing your job search. The hourly pay rate may be good, and there are chances for overtime. Additionally a good deal of the positions allow for flexibility to go on job interviews during work hours.

Unfortunately, all too often time flies by and the next thing you know you have been temping, on one project or several, for close to a year. Your experience is limited to litigation support (Translation: document production). The money is steady but the longer you stay in the temp field, the less attractive you become to the majority of firms that you are interested in working for as an associate. You have not grown as an attorney.

Because it is what they know, all too often people decide to stay on in a temporary capacity. Two years go by. Then three years pass.....

Then there is the attorney with law firm experience and possibly some level of expertise in a particular area. For some reason or another, he/she is back in the job market. Because of his/her experience, he/she is chosen for a long term assignment. Once again the hourly rate is good and the flexibility is great. After the initial assignment ends and he/she takes a brief vacation from the money earned doing all those long hours, he/she moves onto the next assignment. He/She is establishing himself/herself as a reliable and competent worker with one or more legal temp agencies and his/her phone rings whenever a job needing his/her skills arises. He/She stays on at one firm for a long



period of time or goes from assignment to assignment, depending on the market and his/her preferences. To some, variety is the spice of life. He/She earns a good living without the pressures of life as an associate in a law firm. However, the farther away he/she is from associate life, the harder it will be to ever work as an associate at a law firm again. He/She is the quintessential career temp.

The Supplemental Income Temp

The supplemental income temp (SIT) may also be the attorney straight out of law school or with a level of substantive experience under his/her belt. This person for whatever reason has decided to pursue other ventures, be it a solo practice or a business outside of the practice of law. The business is in the start-up stages or is not doing well enough for the attorney to maintain the level of well being he/she seeks, so he/she turns to temp work as a means to supplement his/her income.

In this case, the attorney may work as a temp "seasonally," on a part time/per diem basis or try to juggle the two at the same time. Temping for the SIT is purely a means to an end and not the attorney's primary function. Temping is often a life saver for up and coming solo practices, or lawyers transitioning from private practice to a business venture.

The In and Out Temp

I am sure that some of you have heard the term "keep your eyes on the prize." The in and out temp does just that. The in and out temp has a concrete idea of what he/she wants to do with his/her career and how he/she plans on getting there, though he/she may hit a few snags along the way. Be it a brief stint after law school to earn money between jobs (or until receiving bar exam results), to the in and out temp, temping is merely used as a financial bridge between career goals.

For example, I worked with an attorney who was laid off from a top 50 law firm last year. He came to my office seeking temp work between the time after his vacation and until he started a clerkship. He simply wanted to step in, earn a few dollars, and step out in a finite time period.

For the most part, the in and out temp does not accept long term assignments and will not take a position that may interfere with his/her interview schedule. Even if he/she does temp for a little bit longer than he/she wanted to or returns to temping after leaving a subsequent permanent position, temping from his/her point of view, not just the law firm's, is purely short term and not a way to earn a living indefinitely.

The Hopeful Temp

Finally we come to the hopeful temp, also known as the "foot in the door temp." This is the attorney who accepts a purely temporary position with the genuine belief that it could lead to a permanent position with the firm. He/She truly believes that if he/she does a good enough job reviewing documents or preparing witness kits that he/she will get considered for an associate position where he/she is temping.

It is certainly not unheard of, particularly at small firms. However, temping should simply not be seen as the alternate route for getting on track as an associate with a firm. For the most part, and particularly at larger firms, the decision makers at the top firms will generally never lay eyes on you or even know you were the person who put together their witness kits or did the research on an issue for a memo. Of course getting a foot in the door, no matter how big the door or how small the foot, is one way of getting "out there" in the job market but especially in this case, it should never be utilized as your primary and/or sole search method. Ultimately, very rarely do contract attorneys get hired as a permanent associate after "proving them-

selves." In fact, most law firms' recruiting of permanent and temporary employees is handled separately.

Conclusion

There is nothing in my experience that causes me to suggest that hiring or working as a temporary attorney is a bad thing. However, as with any other niche in the job market, there are important issues to understand before moving into a particular arena. The end results that can arise from jumping into the temp market must be considered. Are you looking for quick money before moving to the next stage of your career? Will you work yourself out of the permanent job market by staying at temp assignments too long? Are you stunting your legal growth by doing document review temp work rather than taking a substantive position with a smaller firm? Are there real temp-to-perm positions out there? Will you have time to interview while temping? Should you list your temp experience on your resume? Do the firms you are targeting prefer periods of inactivity to temping? What kinds of temp assignments are more beneficial to your career than others? The list of questions can go on forever. You have to determine your short and long term goals and then look at those questions against that back drop. Figure out whether temping fits into your overall job search strategy and if so, how to navigate through the pitfalls of life as a temporary attorney.