



Changing your practice area

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So You Want to Switch Your Practice Area?

In a lot of respects, the path attorneys take to joining a particular practice area is nothing short of insane. Most attorneys interview for summer-associate jobs, take the best summer job they can get, and join a particular firm without much thought as to what practice area they will be in. Given that people spend a significant amount of their life at work, enjoying the work they do is especially vital, and the process attorneys undertake to choose a practice area seems nonsensical in a lot of respects. It is not surprising then that many attorneys call our offices on a daily basis seeking to switch practice areas.

It is difficult to switch practice areas, but it can be done. Your ability to switch practice areas will depend upon your academic background, the length of time you have practiced, the law firm you are with, the condition of the legal-job market, the market demand of the practice areas you want to leave and enter, your geographic location, and perhaps pure luck. However, the most important aspect involving the switching of practice areas is the question of who you are specifically.

An important aspect to remember in all of this discussion is that switching practice areas should not be a decision taken lightly. *The type of work you should be practicing should be more a function of where you feel your skill set and interest lie more than anything.* Additionally, simply switching firms to join a new practice area may not always be appropriate either. For example, you may be able to switch practice areas within the confines of your own firm. If this is possible, you should not enlist the aid of a legal recruiter.

How Do Attorneys Choose Practice Areas?

Many attorneys initially choose one practice area over another by default. Simply, it is the best job they get after some search during law school. Sometimes, the condition of the legal market forces them to choose a particular practice area. For example, because of the weak market condition in the early 1990s, most law students were forced to choose litigation, instead of corporate or transactional areas of the law. Others decide based on the perceived stability of their chosen practice area and the strong demand shown in the marketplace for attorneys in a practice area.

For those law students who did very well in law school, how they select their chosen practice area may be different. Prior to the bar results' being announced, most of these recent graduates would have chosen their area of practice. Most would have expressed a desire to enter a particular area after their second-year summer clerkship and would pursue those firms that would allow them to practice in their chosen area. For others, compensation or the chance to later obtain an in-house position may be the driving force in choosing a practice area. Yet others

admire someone practicing a certain type of law and think it is glamorous and prestigious, so they decide to follow that person's footsteps in choosing a practice area.

No matter how a recent graduate chooses a particular area of practice, once that lawyer begins practicing law, partners, other associates, clients, and people in general begin building expectations and in their minds categorize the lawyer as a litigation, corporate, or patent expert.

Unfortunately, these expectations become even more intense as the years pass and obviously make it all the more difficult to switch practice areas. If you have been a real estate transactional attorney for eight years with no litigation experience, despite the fact that you went to Harvard and did very well there, you would find it difficult to land a job in a major law firm doing securities litigation.

A colossal change in practice area, as described above, would be possible if there is a tremendous demand for lawyers in the desired practice area and/or the lawyer has solid credentials. For example, assuming the lawyer described above has a technical degree, firms may be interested in him/her if he/she chooses to become a patent attorney. Of course, in most cases, he/she would have to take a cut in his salary and may be required to adjust his/her partnership track position within the firm.

Who Wants to Switch?

1. **Litigators:** Litigators are the most likely candidates to want to switch to another practice area. In most instances, litigators want to switch practice areas to become corporate attorneys. *In the 2000 calendar year, we had more litigators calling us who wanted to switch to corporate than we had litigators calling us to switch firms within the litigation field.* We have little doubt that many of these attorneys were drawn to the corporate field by the idea that if they practiced corporate law, they would have the opportunity to work



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in an Internet company and retire at the age of 30 with healthy stock options. While this happened probably only 1 in 1,000 times for attorneys who went to work for Internet companies, the fact is that it did happen to some attorneys. We have all heard the stories about the successes and excesses, and they are all good stories. Early retirement, however, should not be a prime motivation for switching practice areas.

Some litigators, moreover, are initially mesmerized by courtroom drama-or perhaps by the personalities of famous trial lawyers such as David Boies, F. Lee Bailey, Jerry Spence, or Johnnie Cochran. However, after practicing for some period of time, they become frustrated with having to review stacks of documents or engaging in petty procedural law and motion matters and quickly realize that they would rather build than destroy. Many attorneys who switch to corporate from litigation do so because they do not like the constant conflict and adversarial environment involved in a litigation practice.

Similarly, many law students may have misunderstood what makes good litigators when they made the decision to join a particular practice group. Litigators do not necessarily possess Type-A personalities and lack social graces, are innately aggressive, and exhibit no empathy for their adversaries. Most successful litigators are instead cordial and professional in their interactions with their counterparts and are great writers and strategists who can think quickly on their feet. Arguably, Daniel Goleman, the author of *Emotional Intelligence: Why It Can Matter More Than IQ*, was correct in asserting that successful people-for our purposes, litigators-possess self-awareness, altruism, personal motivation, empathy, and the ability to understand and relate to the emotions of others and are able to overlook and ignore adversaries who exhibit gigantic egos, are unprofessional, or act rudely. According to Goleman:

"At best, IQ contributes about 20% to the factors that determine life success, which leaves 80% to other forces...No one can yet say exactly how much of the variability from person to person in life's course it accounts for. But what data exist suggest it can be as powerful as, and at times more powerful than, IQ." (Goleman, Daniel (1995), Emotional Intelligence: Why It Can Matter More Than IQ, New York: Bantam Books)

If you have the qualities of successful people described by Goleman, you probably have the building blocks for being a talented litigator.

2. **Corporate Attorneys:** The desire to switch practice areas is not unique to litigators. Corporate and transactional lawyers realize that they are not "doing deals" as often as they would like or that they spend too much time with volumes of legal jargon and not enough time schmoozing with dealmakers. As legal recruiters, the pattern of calls we receive is quite amusing. For example, during the first half of 2001, as corporate attorneys were being laid off and corporate work was very slow in numerous large American law firms, we started getting calls from corporate attorneys wanting to switch to litigation. *In 2000, when the corporate market was doing exceptionally well, we did not receive any calls from corporate attorneys wanting to switch to litigation.* One thing about litigation is that there are people who are more suited to it than to corporate work. Litigators tend to have very good verbal and writing abilities and enjoy the human sides of conflict. Conversely, corporate attorneys tend to enjoy the unemotional but controllable aspects of the work they do and the exposure to high-profile deals. Corporate attorneys often have an interest in business as well.

In the wake of the tremendous demand for young corporate attorneys from 1998 through 2000, many attorneys who were actually more suited to litigation may have gone into the corporate field. Accordingly, there may be justifications now for many of the attorneys who initially chose corporate as a practice group to switch to litigation.

Why Do You Want to Switch?

Attorneys who chose to switch practice areas for the right reasons most often do so because they realize that they are not suited for the particular practice area they are in. It is imperative that you thoroughly evaluate the reasons why you want to switch practice areas. Why do you want to switch? Was it listening to your friends boast about the mega-merger deals they worked on or the salary they command because of the incredible demand for lawyers in their practice areas? Or was it your perceived glamour of courtroom drama or watching countless hours of *Ally McBea*?

Have you thought about whether you are seeking to change practice areas because you are unhappy with your current firm? In such circumstances, changing firms may ultimately be the right choice instead. Perhaps you need a vacation after working for 30 days straight in closing a huge deal.



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Whatever the reason, you need to be honest with yourself and identify the reason you are seeking change in your practice area and make sure that your reason has been thoroughly explored and is compelling. You do not want to find yourself in a similar predicament in a year or two after you have switched practice areas.

Critical Analysis

You have to critically analyze yourself to determine if you have the personality traits and qualities to practice in the area you desire. If you are an introvert who does not enjoy a confrontational and adversarial work environment, you should not consider switching your practice area to become a litigator. Are you detail-oriented? Do you enjoy working mostly on your own or with others? Do you have an inquisitive nature? Are you good with numbers? Do you enjoy complex matters? Do you relish winning, rather than seeking a win-win resolution?

Besides analyzing your personality traits, you must also take stock of your credentials, which include both your academic background and your experience. Remember that firms are pedigree hounds! Having an impressive academic background opens a lot of doors, including getting a firm to notice you even if you want to switch practice areas. Another attribute is major law firm experience. A Latham & Watkins corporate associate or a Kirkland & Ellis litigation associate would get much more favorable reception than one who toiled for an unknown firm in North Dakota. (This is not to say that North Dakota does not have great firms).

How To Make The Change?

Once you have identified the reasons why you are seeking to change your practice area, are convinced that the reasons are compelling, have done the requisite critical self-analysis, and examined your academic and experience credentials, you should plan how to proceed to make the desired change.

If you have been a solid associate and your firm thinks highly of you, then you should approach your current firm and ask to switch your practice area. You should first speak with trusted confidants within the firm, partners or senior associates, before

surprising the managing partner or the head of the practice group. In addition, find out if there is a need for an associate in the desired practice area within the firm. If there is such a need, your task is naturally much easier.

Also, you should explore whether changing firms would enable you to reach your desired goal. If you have superior credentials, have a serious commitment to changing your practice area, and there is a demand in the marketplace for such lawyers, you will probably be successful in changing your practice area. In preparation for switching your practice area, think about attending a seminar or taking a class to familiarize yourself with your desired practice area. This would show the firms initiative on your part, and it would demonstrate to the firms that you are serious and committed and have thoroughly explored the practice area you want to enter.

Conclusion

It is true that people's emotional well-being is strongly tied to their work. This is not surprising because a significant portion of our waking hours is spent going to work, actually working, or thinking about our work. If a person is unhappy with his/her line of work, feelings of discontent, melancholy, and sadness, including perhaps depression, most likely permeate his/her social and professional lives.

Of course, it is entirely normal to feel unhappy with your job occasionally, and the reasons for the unhappiness may not be related to your practice area. But if the unhappiness is connected to your practice area, it behooves you to explore the reasons. Besides determining why you want to switch your practice area, you should critically analyze your skill sets and personality traits, as well as your academic and professional credentials, prior to embarking on the process to change your practice area.

Changing practice areas is quite a significant undertaking. At BCG Attorney Search, our recruiters have previously changed practice areas or have counseled their candidates through the process. If you are a candidate who has solid credentials and have a commitment to change your practice area, please contact us.

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