

CHEAT SHEET

- *Make a decision.* Some in-house lawyers miss the more technical aspects of law, the professional collegiate environment and being valued by their organization as a profit-center.
- *Prepare to leave.* Establish good relationships with your outside counsel – one of the best places to find work is a firm that you have used in the past. Also, maintain your technical expertise. Pro bono projects may allow you to hone your advocacy skills.
- *Get hired.* Look for firms whose platform, price-point, reputation, requirements and compensation structures best suit your goals, expertise and business plan.
- *Be strategic.* Learn what your firm does well and harness their professional and intellectual capital. Expand business opportunities by offering your clients and potential clients services outside of your core competency.





PREPARING FOR THE IN-HOUSE TO LAW FIRM TRANSITION

By Mark Goldzweig, Sam Miller and Michael Wippler

We frequently hear about the benefits of moving from “Big Law” to in-house. Many lawyers view in-house as offering a career free of billing targets and business-development pressure. By contrast — and even though many lawyers make this move — we do not hear much about moving from in-house to a law firm. Returning to a firm can be professionally rewarding, and the authors want to share a few suggested insights on how to prepare for the move, how to land at the right firm, and how to succeed in private practice. In writing this article, the authors make a few generalizations, but do not set forth any rigid rules intended to apply to everyone.

The in-house role

Traditionally, in-house was seen as a “lifestyle choice” with demands less rigorous than practicing in a firm. Moreover, many lawyers believe that, while life in-house has its challenges, the absence of time sheets, billing targets and business-generation pressure allows in-house lawyers more time to focus on their sole client, and allows for greater involvement in their company’s daily operations. Unique to in-house lawyers is their involvement in both legal and business affairs, proximity to business decision-makers, and the ability to transition their legal responsibilities into executive roles.

As with law firms, the size and structure of in-house legal departments vary, and in-house lawyers may have different experiences depending on the size and sector of their employer’s business. Also, just as firms have changed, so too have in-house legal departments. Rapid advances in the complexity and sheer size of businesses, changes in corporate and operational structures, as well as in the legal and regulatory environment have necessitated changes in the structure, expertise and functions of in-house legal teams, increasing the pressure and expectations on in-house lawyers. This, in turn, has also led more in-house counsel to contemplate transitioning back to a law firm.

Why lawyers return to Big Law

We see economic pressures and professional engagement as the two primary reasons why in-house lawyers transition to firms.

Economic factors. Globalization, consolidation and economic pressures on companies have resulted in reduced legal spend, lost in-house positions, forced relocations and greater workloads for in-house lawyers. In turn, many lawyers who viewed in-house as their final career move have often unexpectedly found themselves unemployed or looking to transition back to a law firm.

Technical expertise. Additionally, most in-house lawyers spend less time honing their technical skills and specializations due to the increased focus on broader management obligations. In-house lawyers are often considered “jacks of all trades” and must cater to diverse legal demands, requiring them to outsource the more complicated, time consuming legal work. Many in-house lawyers prefer this managerial role; however, others miss the more technical aspects of law, the professional collegiate environment, the value placed on them by their organization as a “profit-center” rather than as a “cost of doing business,” and the perceived independence that law firms can offer. Also, lawyers may become frustrated if their corporate colleagues have do not understand or respect the legal function and its valuable contribution to corporate goals.

Whatever the motivation, be it financial or professional, it may be prudent for in-house counsel to take, while still in-house, steps to ease the transition back to private practice.

Actions to take while in-house

Financial success in a law firm is typically tied to a lawyer’s ability to generate business. Business generation is not typically on an in-house lawyer’s mind; however, any in-house lawyer

contemplating or preparing to return to a firm should, while still in house, consider ways to enhance his marketability and chances for future success. The following points may help.

Develop good relationships with firms you use. Not surprisingly, one of the best places to find work is a firm that you have used in the past. Developing good relationships at the firms you use will also provide you with advocates should you wish to work for that firm. How you treat your outside counsel will be a good indication to members of that firm how you will treat developing associates and blend into the firm’s culture.

Network. Build your list of professional and business contacts. These contacts will help when you search for a job and may become clients when you land at a firm. Future potential clients include lawyers who are at your current organization or those currently working for your competitors. Good networking opportunities include ACC events, ABA functions, and industry, civic and professional organizations. Remember to follow up with people you meet.

Be visible. Potential employers and clients will look you up. It will help your search, gain you important professional recognition, and may make you an “expert” in a given field if you write articles, speak at events, etc.



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Get involved. Participate in community or (other) pro bono projects, charitable or professional organizations, and industry focus groups. These can raise your profile, help you network, and make you a more interesting and well-rounded candidate.

Develop your technical skills. In-house lawyers may lose their technical skills, particularly if routinely outsourcing work. Admittedly, it may be difficult to exercise technical skills by bringing litigation or transactional work in-house, especially when managerial or other executive duties interfere. However, to the extent you can, maintain your technical expertise. It will be an important attribute when moving to a firm. The pro bono projects discussed above may also allow in-house lawyers to hone their technical advocacy skills and work on a matter that may more closely track the type of work they will do for a firm.

Maintain your “intellectual capital.” Keep abreast of legal developments, read, attend seminars, work with and learn from your external counsel, and stay current in your area of specialization.

Become an industry maven. In-house experience in a particular industry is invaluable and distinguishes you from your law firm colleagues. Becoming

the go-to person for your industry will help you find employment and later develop clients.

Learn your company’s business. Learn how your employer’s business and non-legal operations function. Knowing a client’s commercial reality from having been actively involved internally will garner client trust and may help attract business from your former employer.

Do not burn bridges. The best source of business for a former in-house lawyer is a former employer. By contrast, it is telling when ex-corporate counsel is quickly forgotten by a former employer.

Don’t become complacent. Expect the unexpected. Unfortunately, good in-house lawyers may find themselves out of work for many reasons. Do not assume that your current position will last forever. While in-house, focus on increasing your value, improving your skills and marketability, and enhancing your reputation, all of which will ease your transition to a law firm.

Finding the right job

Whether by choice or necessity, looking to move to a law firm, particularly in a down market, can be daunting. Unless you can immediately guarantee a steady flow of work for your new firm, in-house lawyers, by definition, typically do not have much portable business to offer to a prospective firm, particularly where your employer has ceased operations or has down-sized. The following considerations may help you find the right firm.

Search early. Candidates are generally more attractive when they are still employed. Gaps in a resume can work against you, and candidates are often more attractive when their move appears to come from choice rather than circumstance.

Contact people you know. People like hiring people they know, or who come to them from people they know. Start

working your network and be prepared to sell yourself.

Recruiters. Recruiters typically charge firms a sizable percentage of your first year’s salary. Obviously, if a firm has to pay a recruiter, that may make you less desirable. Search and recruitment specialists also tend to work within defined search parameters, which often can depend very heavily on one’s book of business. It is not uncommon for a recruiter to lose interest in you if your skill set does not dovetail precisely with the recruiter’s search. Nevertheless, there are recruiters who will invest time in you, assist in developing your business plan and provide you with, among other things, tips and strategies for interviewing with a firm.

Prepare a business plan. Develop a plan that highlights your strengths, motivations and general ability to help your prospective firm. Unlike a resume, which tells what you have done, a business plan tells what you will do. A good business plan will succinctly identify your prospective clients and contacts, identify how and when you will convert these prospects into paying clients, and describe your path to commercial success.

Identify firms that fit your long-term career goals. Look for firms whose platform, price-point, reputation, requirements, compensation structures, etc., best suit your goals, expertise and business plan. For instance, if you can bring work from your prior company, then select a firm that your company respects, which has expertise in your field, and which operates within your former company’s price points.

Interview the firm. As much as the firm will interview you, interview the firm. Unless you know the firm well, ask to meet lawyers who you think you will introduce to your clients and potential clients. If you do not like these lawyers, your clients probably will not like them either.

ACC EXTRAS ON... Career transitions

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Career Options for In-house Counsel (Sept. 2013). www.acc.com/infopaks/career-opt_sep13

Article

Navigating a Career Move (Nov. 2007). www.acc.com/nav_careermove_nov07

Presentation

Moving Up the Ladder: How to Advance within the In-house Profession (April 2004). www.acc.com/advance-inhouse_apr04

ACC HAS MORE MATERIAL ON THIS SUBJECT ON OUR WEBSITE. VISIT WWW.ACC.COM, WHERE YOU CAN BROWSE OUR RESOURCES BY PRACTICE AREA OR SEARCH BY KEYWORD.

Be realistic. You may have great contacts and an impressive business plan, but unless you can convert these into paying clients, your contacts and business plan may not matter to your new firm. As such, be realistic in your salary expectations and what you really offer the firm. Also, remember that a large up-front salary, no matter how financially uplifting, will come with greater expectations and may put more pressure on you to succeed immediately. Be realistic about your expected contribution to the firm and consider a compensation structure that rewards you for performance and not promises. Be candid about your abilities and prospects for generating business. This demonstrates confidence and pragmatism and may make you a more attractive candidate to the firm.

Once hired

Be patient. Unless your prior employer immediately fills your plate, it may take years for you to perform at desired levels. Instead of focusing on results, focus on the process and your business plan. A good process combined with a good plan usually leads to good results.

Treat your practice as a business. Continue developing your business plan, pivoting where required if your initial assumptions require modification. Remember, when transitioning from in-house to a firm, your business model needs to be developed and proven. By having a dynamic and realistic plan, you can both look forward at your potential business targets and periodically assess what you must change.

Get to know your firm. Learn your firm, what they do well, whom your prospective clients should meet, and how your new firm's expertise benefits your clients and prospective clients. Expand business opportunities by offering your clients and potential clients services outside of your core competency. Identify whom you and your potential clients can best work with to

enable you and your firm to provide the most value to your clients and potential clients. Harness your firm's professional and intellectual capital. Clients will appreciate it when you introduce them to a good lawyer who can solve their legal needs, even if that lawyer is not you. Keep in mind, however, that you can undermine your reputation for understanding the goals and needs of your former employer by selling them on a firm colleague who is ill-prepared to handle a new assignment. If your new firm is not appropriate for a case, you may actually enhance your former employer's view of you and your commitment to them if you advise them to seek legal assistance from another source.

Become known within your new firm. Contribute to internal training, article writing, knowledge and business development, and internal practice groups. Help your co-workers become familiar with your work and the industries you serve, and become familiar with theirs. Knowing your fellow lawyers' practices and their clients' needs will enable you to more effectively cross-sell your services and generate new sources of business from within your own firm.

Market yourself. Law school did not teach us how to market. Many of us enjoy in-house practice because we do not have to sell. For better or worse, marketing is a big part of law firm success. Become comfortable marketing yourself and asking for business. As a former in-house lawyer, one big selling point to new clients is your ability to understand the needs and pressures faced by in-house counsel. Numerous books focus on helping people learn marketing skills, and learning from successful lawyers can help. In a law firm, learning to build and maintain relationships, all as part of getting comfortable with the business of law, are arguably as important as being technically brilliant.

Be confident. In-house experience teaches a lawyer many things that being in a firm does not. Hiring lawyers,

working within budgets, working closely with non-lawyers, understanding what potential clients need to make them successful within their organizations, and being a business insider are invaluable skills and experiences that in-house lawyers learn and which even seasoned law firm lawyers may miss. Use your in-house experience of business operations, industry trends, risk tolerance and translating legalities into commercially understandable terms to help your clients. Let your in-house clients and potential clients know about your in-house career, particularly where you have a skill-set or industry expertise that relates to your client's business.

Enjoy your new role. Change can be difficult. Moreover, transitioning from the relative security of an in-house position to the uncertainties of a law firm can be daunting. Nevertheless, enjoy the challenge and the opportunities that being in a firm can offer.

Transitioning to a law firm is challenging, yet exciting. Despite the billable hours and business pressures, working in a law firm offers inherent rewards associated with building and maintaining relationships, and being seen as a leader in a technical area. If you are to make the transition — whether by choice or necessity — advanced preparation can help ensure a successful career change. **ACC**

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