



HOW TO KEEP YOUR JOB, OR FIND A NEW ONE

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“Folks who never do any more than they get paid for,
never get paid for any more than they do.”

Elbert Hubbard

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“Don't tell me how hard you work.
Tell me how much you get done.”

James Ling

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“It's not the number of hours one puts in that counts,
but what one puts into the hours.”

Unknown

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No one has to tell you that times are tough right now. In fact, it's virtually impossible to escape the constant reminders. Not a day goes by without hearing of a colleague losing employment, a firm dissolving, a massive layoff, business failures, stock market losses, corporate cutbacks, and more. No doubt about it; these are scary times.

Nonetheless, the misperceptions about lawyers held by the general public persist. Lawyers are still envisioned as individuals who make a massive amount of money; who live lavish lifestyles; and who are not impacted by our floundering economy. If only that were true.

I get calls daily on the hot line from attorneys who are living the reality of the marketplace. Sure there are some law firms and fortunate partners who are earning more now than ever before. But that's the exception, not the rule. The simple fact is that lawyers have been adversely affected, some very significantly, by the economic downturn. It took longer in many cases for the marketplace affects to impact the legal industry. But make no mistake, the impact is real, and will continue to worsen before it starts to improve.

I recently attended a retreat with my peers from other state bar associations across the United States and Canadian provinces. Canada has not been as severely impacted, but their solo and small firm lawyers are feeling the pinch. In the U.S. the severity of the downturn differs somewhat based on geographic region or even individual state.

Telltale signs of the on-going recession are everywhere. And I'm not referring just to the layoffs, de-equitizations of partners, and firm dissolutions. Financial distress has led to a rise in suicide, drug and alcohol abuse, and financial malfeasance. The unfortunate truth, being realized too late by many, is that years of mismanagement ignored and largely masked during periods of economic growth, can have severe or fatal consequences during difficult times. In a reactive mode of desperation, some attorneys make unwitting mistakes, while others cross the line in an attempt to stay afloat.

If we've learned nothing else, we have hopefully learned that effective management is essential, good times or bad, and that in order to be effective, firm management must be done PROactively, not REactively.

With this lesson in mind, let's deal with an issue which has weighed heavily on many of your minds: your ability to earn, or continue to earn a living. Employment, or continued employment, is not guaranteed in today's market. It doesn't matter whether you're a partner at a firm for one or more decades. It doesn't matter whether you're a newly minted lawyer from a top law school. So let's take a PROactive approach.

IS YOUR CURRENT POSITION SAFE?

If you are lucky to have a position currently, you need to examine whether it might be at risk. If so, taking remedial steps now may secure your future. You need to begin with a simple analysis of your profitability and review of any other sources of value you provide to your firm. If you're thinking that it doesn't matter because you're a partner—even a long-standing partner—let me assure you that it matters more than you can imagine. I know, because I have been called upon by more than one firm to advise a senior partner that he or she was no longer an economically viable contributor to the firm, and would have to leave.

Following are the questions you have to answer, and the issues you need to address.



Do you bring in (originate) work to the firm in sufficient quantity to cover your compensation and benefit cost? It used to be that a partner could be a “worker bee” and survive solely by servicing the clients of others. Increasingly, firms are requiring partners to fill their own plates, at a minimum, with self-originated work. Yes, the rules have changed. Being resentful about it, or denying it, won't keep you safely employed.

Do you bring in (originate) work to the firm in sufficient quantity to keep other lawyers busy aside from yourself? If you bring in just enough work to cover your own compensation and benefit costs, chances are you're safe. But recognize that you're not making any profit for the firm. If, on the other hand, you can bring in sufficient work to help occupy and train a more junior lawyer, you are then making a more significant contribution, both economically and in terms of the on-going viability of the firm.

If you do not bring in sufficient work to fill your own plate, take a look at where the work is coming from. Is the volume coming your way decreasing or increasing? Are the attorneys who feed you work slowing down? Are their practice areas in decline? Are they retiring? If you are answering yes to any of these questions, you are in serious jeopardy. Don't assume that the newer generation of partners will feed you work in the same manner. They will want to push work down, rather than up. There's greater profit in doing so, and it helps ensure retention of the next generation who will ultimately carry on the firm. It's simply a better economic and management model for the firm. It's not personal.

If you're in a situation where your workload comes from others at the firm and is declining, you need to do something about it. Don't wait until someone like me shows up at your door to have a discussion about your future prospects. There are a number of actions to take now, on a PROactive basis.

First and foremost is realizing that your fellow partners, and even senior associates who are making rain, are your actual and potential clients. Are you treating them as such? Make sure they are kept informed. Make sure they know their clients will receive your full care and attention, as though you originated the business. As though your future depended on it; because it might!

Regularly solicit them for additional work. Don't retreat sullenly into your office resigning yourself that it's their “fault” if your workload diminishes to a shadow of what it once was. Because that's a sure formula for winding up searching for employment down the road.



Remember you're never too old to start to develop business on your own. I won't kid you and say it's easy. But on the other hand, it's not as hard as you may think. The more experienced you are, the easier it is to approach prospects and other attorneys and ask them to send some work your way. You have the confidence of knowing you have real value to offer. Especially if you practice in a complex area. You can demonstrate hands-on experience with exactly the types of challenges they need to address.

Remember, also, that you have to be "out there" and visible in the community; whether that be the bar association, chamber of commerce, alumni association, or a charitable, sporting or cultural organization, all help to build or rebuild referral networks.

What other value do you provide to your firm? Do you practice in an area which is highly complex and necessary to service others' clients? Do you mentor young associates? Are you highly visible in the community? Have you taken a leadership position at the local, state or national bar level? Do you serve on the management team of your firm? Are you a gracious statesman who helps ease tensions between erupting factions at the firm? Or are you quarrelsome and difficult, and constantly battling with your peers and firm management? The latter personality will continue to be tolerated only if you're a solid rainmaker who produces profits which flow to other partners. A lot can be "overlooked" for the sake of profit. But if you're a break-even proposition and a thorn in the rosebush, you can count on being cut.

The most difficult issue is dealing with a declining or unprofitable practice area. Over the years, legislative and industry changes have impacted certain practice areas. Some have become commoditized into low-priced, volume-based practice areas. That calls for highly efficient productivity models, often using software and other technologies, as well as marketing techniques which can produce high volume. Has your firm kept up? Can it continue to compete profitably in your practice areas? If you are at a general practice firm, you may experience increased conflicts which can severely hamper the ability to keep the volume of new clients sufficiently high. Can you sustain your economic viability at the firm or are you better off realigning with a boutique which will welcome your practice area, or perhaps setting up your own solo practice?

Some practice areas have virtually dried up due to legislative or industry changes. You may find yourself at a point in your career where you're not enamored



with the idea of learning a new practice area and trying to develop work. But if you're in this situation your alternative is retirement, or transitioning to a different career entirely. Choose wisely, based on your age, interests and assets.

Some of the above questions and issues are formidable. But sometimes there are relatively simple questions and answers which can adequately address your future viability. Are you effectively recording all the work you do? Poor timekeeping habits can turn the most talented attorney into an unprofitable one for the firm.

Are you putting in sufficient hours? Age is no longer a determinant of how many hours you will be required or expected to work. The effectiveness of your hours, and the value to clients in terms of hourly rate, will ultimately determine whether or not you're economically justifying your existence at the firm. If you do work in a practice area which typically has a low rate, such as insurance defense or municipal, you will have to make up some of that shortfall by increased hour production as compared to your peers who are able to apply a higher billing rate. It may not seem fair, but it's reality.

Are you billing regularly, or is it a task you do only under duress? Remember that working is only part of the formula. You have to actually make sure the time is recorded, billed, and paid for. Otherwise, you're a pro bono attorney, and likely your firm is not adequately capitalized to support you in that capacity. If you really truly hate recording time, billing for your time, and collecting what you bill, perhaps you should be transitioning to a public service environment. But if you persist in operating as a public service attorney while at your firm, you shouldn't be surprised when your firm advises you that it can no longer support your continued employment.

ARE YOU IN NEED OF A JOB?

One of the results of our recession is that attorneys are setting up solo practices in record numbers. I will be participating in a PBI course shortly (as of the writing of this article), entitled "Suddenly Solo", which is designed to assist attorneys who are temporarily or permanently hanging out a shingle more as a result of the loss of employment or inability to find employment, than out of any genuine desire to be masters of their own destiny. PBA members who cannot attend can always contact me directly for my resources on setting up a practice.

I recently spent time with a newly-minted lawyer who cannot obtain



employment. I have known him since birth, and his parents are among my closest friends. He's bright, personable, and has a notable educational pedigree. He has fire in the belly, and will ultimately be a skilled lawyer and rainmaker. Of that I have no doubt. At any other point in history, he would be gainfully employed. But right now he is cast adrift, along with a record number of similarly situated attorneys, young and old, who are equally clueless as to how to go about securing employment. What follows is a taste of the counseling I provided to him.

Finding employment is a job in and of itself. And by that I mean a full-time job. Set the alarm. Get up and get started each day. There is and should be enough activity to keep you moving for a full day each day. Keep the TV turned off. Get dressed. Have a to-do list prepared and work your way through it. End the day by preparing the to-do list for the following day. In "50 Ways to Get Hired," author Max Messmer, (Chairman and CEO of Robert Half International), advises job seekers to become the CEO of their job search in order to "establish the kind of mind-set a job search needs: proactive and self-directed." I couldn't have said it better.

There are certain tools you'll need. A computer, fax and email ability, and a cell phone or private non-family phone with voicemail. A quiet place to work at the computer, organize your paperwork, and take and receive calls is essential. Hopefully a cheerful place with a window and natural light. If you're going to be stuck in a basement office, take frequent short breaks to walk outside for fresh air and sunshine. Your positive mental attitude is vitally important to sustain you, and enable you to be at your best when given an opportunity.

Everything you produce should be of the highest quality. Emails should be carefully worded. Use proper punctuation and spell check. Proofread. Double check for attachments before hitting SEND. Don't be overly casual or personal. Use high grade bond paper for printed items. Be sure the print quality is good.

Please be sure you check for typos. I recently reviewed the resume of a COO. In the section where he described his particular attention to detail as a great asset, it was immediately contradicted by the title which read "Accomplishments." In the rejection letter I gently suggested he spell check his resume. Unbelievably, he wrote back and asked me for a "hint" as to what error existed.

Your ability to effectively perform strategic research in order to target and pursue opportunities may be the ultimate determinant of whether or not you find suitable employment. Likewise, your dogged persistence in pursuing all possibilities will factor into your likelihood of success.



Let's take my young lawyer as an example. He knows he is interested in practicing business law. Yes, he's desperate for a job. And for that reason he's inclined to take anything that comes his way. In fact, he was intent on advising potential employers in cover letters and during interviews that he would take virtually anything. For most firms, that perceived lack of direction is a turn-off even though the flexibility for the firm is desirable. It's a double-edged sword that must be carefully wielded. And it could be a strategic career mistake too. It might be a mistake which could cost him years and a misrouting of his career into one or more practice areas he will eventually come to loathe.

This young man is willing to relocate himself wherever the work is available. That's good. He is licensed in both PA and NJ, which provides a wider geographic region to work with, and therefore a greater number of firms. He is less worried about starting salary than he is about getting quality work and mentoring. He is not out for immediate return; his focus is appropriately on long-term prospects. He is even willing to forgo a law firm environment for a suitable in-house opportunity. So how does he go about finding opportunities?

The first tool to utilize is the internet. Simple word searches will lead him to firms and individual lawyers who practice business law in PA and/or NJ. On many of the sites he will be able to submit a resume and cover letter electronically. He will be able to determine who is the managing partner. He will be able to obtain phone numbers, mail and email addresses. Using Microsoft Outlook he will be able to easily create a contact for each attorney and firm. Using the free text area he can copy and paste in valuable information about the attorney and/or firm, and keep track of any calls he has made or emails or letters he has sent. Using the flag feature in Outlook he can be automatically reminded to follow-up on any contact at a designated date in the future.

Thinking quickly, he inquired as to whether some of the smaller firms, particularly in small towns, might not have a web site. Smart kid. Yes, that's true. So how does he go about locating them? Especially because he likes the idea of staying out of the major metropolitan areas.

Back to the internet, I advised. Each County Bar Association can be located through the internet. Most have web sites, on which one can find information about the executive director, as well as the current officers of the bar association. At the least, he can get a telephone number to get this information. By contacting the executive directors and officers of the bar association, he will be able to learn what firms may be suitable for contact.



Armed with telephone number and names and addresses, the real work begins. And it takes time and dogged persistence. Letters can be automated using Word's merge feature and the contacts created. Follow-up telephone calls are a must. No call should end before the party is asked for at least one or two names and telephone numbers of someone who might be of further assistance. If the bar association president can't help, for example, he or she will probably be more than willing to suggest one or two people to contact who might be able to help. It enables him or her to get off the hook while still being helpful. For the job seeker, it provides a continually widening network, like the circular ripples radiating outward from the stone tossed into the pond, which eventually leads to an acceptable destination.

Clearly, successfully finding employment is a numbers game based on persistence. The more people you contact, the more people you can be put in contact with, and eventually you wind up in the right place at the right time. The trick is to stay focused while increasing the numbers contacted within your designated target zone.

One additional point I made was to be sure that he always used the name of the referrer to open the door to the new contact. "Hi, my name is [your name], and [insert name of person who referred you] suggested I give you a call because he felt you might be able to assist me. The reason I'm calling is that I'm researching firms which might be suitable matches for my qualifications and interest. Would you be able to talk to me for just a couple of minutes now? If not, I can call back at a more convenient time." If the person called has nothing to offer, then ask them to suggest to you another person or two who might help. Be sure to be gracious and thankful, even for one name, and if you get more than a couple, a well-written personal thank-you can often yield unexpected results later in your career.

Always immediately record the content of the conversation, add follow-up reminders where appropriate, and add new names to the to-do list.

As to identifying possible in-house positions, one must first narrow the universe. Business law encompasses virtually every kind of business around. But not all can generate the volume or revenues desired. First research should be conducted to find out what businesses are in expansion mode in the region. These internet searches are more time consuming and tedious. Turn to municipal / government sites which provide a great degree of demographic information which is often used by businesses looking to expand or relocate. There you will find out where the fish are, and what type of fish there are. You can then examine the



individual industries to see which are in decline and which are prospering. Then target and pursue using the same methodologies described above.

Don't forget the social networking sites. LinkedIn, Plaxo, and Facebook are all places you can turn to track your potential targets to a contact you may mutually know. Find that, and you may obtain a personal introduction. That yields the best possible results. Of course, you will want to build a profile on each. Keep it sparse and professional.

You'll want to monitor Craigslist, Monster etc. You'd be surprised how many human resource / recruiting directors utilize those services. Especially when the cost of print advertising is so high. Also, be sure to add your resume to on-line sites designated specifically for the legal industry, like the career center on the PA Bar Association web site.

You'll note that I have not yet talked about the actual interviewing process. And aside from a brief mention, I won't. Most career centers at your law school can coach you in interviewing skills. And if not, you can again turn to the internet. There are a number of sites designed just for lawyers looking for employment. One site alone lists the top 100 law firm interview questions, along with the best possible answers.

The rest is stuff your mother probably told you. Comb your hair. Dress for success. Be early. Be prepared, which includes knowing as much about the firm as possible. Have fixed in your mind bullet points to make about your best skill sets, and look for the opportunity to work them into the conversation. Be ready to ask questions about things other than starting salary and benefits. Ask about mentoring. About the ability to try other practice areas. About the feedback and evaluation process. About the firm's technology. Always conclude by telling them you've appreciated the time and opportunity. Always follow up with a letter or hand-written note reiterating your appreciation and continued interest.

I have one final point to make which has served me well in the past, both as interviewer and interviewee. After all is said and done, and you've gotten to what you think is a viable employment prospect, and had one or more successful interviews with that prospect, you will in all likelihood be given an opening by someone asking, "Well, are there any last questions?" Pause a moment with a thoughtful look, slowly change your look into a warm inviting smile, and cheerfully reach across the desk with your outstretched hand as you ask, "When do you want me to start?" You may find, as I have, that all your hard work and doggedly



persistent effort remains permanently in the background, having propelled you to this point in time. What effectively seals the deal will ultimately be your intelligence, courage, engaging smile and apparent good sense of humor.

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