

LAW SCHOOLS

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EVERY YEAR we hear from law students entering the on-campus interviewing process (OCI)—at least from the students that are being candid—that they do not know where to start in differentiating one law firm from another. While those who are new to the law profession may have difficulty zeroing in on what makes certain practices and certain firms unique (those law firm websites all seem to say the same thing!), there are real differences. The key challenge for law students is to find the right fit for themselves.

What Are Your Goals?

An important first step, before signing up to interview with a long list of random firms, is to spend some time thinking about yourself. Why did you go to law school in the first place, and how have your academic experiences so far confirmed

or changed your objectives? What kind of lawyer do you want to be? What kinds of clients and kinds of issues will you find it rewarding to work with? Where would you like to see your career go, not only over the next few years, but over the next few decades? These are weighty questions, but once you narrow some of these issues down, you will be in a much better position to develop a game plan for where you want to explore starting your career.

Understand Different Practice Areas

Law students are forgiven for not having a deep appreciation for the different sorts of practice areas that lawyers commonly engage in. Those of us who went to law school because of whatever courtroom drama was popular as we were growing up are likely to think that “lawyering” means “lawsuits” and “trials.” And the typical law school curriculum, especially the first-year curriculum with its focus on case law generated by lawsuits, tends to support this pre-conception. Before you begin bidding for OCI, however, you should consider what it would mean to be a junior lawyer, and then a more senior lawyer, across a range of practice areas. Listen to the views of insiders in different practices about what the big

picture of their practice is like, what their day-to-day activities are, the kinds of clients they deal with, and why their particular area may be of interest to you.

Nothing will beat real conversations with real lawyers, but here’s a quick overview of key aspects of some of the most widely practiced areas of law.

Corporate

Big picture: Expect to represent clients in all sorts of deals. Understand their business and the legal framework in which they need to make decisions. Depending on the area of corporate you choose, you could be working with emerging companies and venture capital transactions, or researching companies in connections with mergers and acquisitions, or working in capital markets doing initial public offerings and other offerings to help raise money for your client. At bigger New York firms, you could also work on structured finance transactions or high-yield debt transactions. If you decide to be a corporate lawyer, your choice of firm is very important. Some firms will want you to be a generalist and work on a little bit of everything, while others will place you in a group where there is little chance of movement.

Every day duties: Plan on drafting documents, contracts, or securities offering documents, performing some “due diligence” (e.g., an examination of a potential target in a corporate transaction), spending a lot of time on the phone advising clients, and in many situations becoming their outside general counsel on a variety of potentially high-level legal questions. You will regularly find yourself giving advice based in the corporate law of the state where your company is incorporated and/or does business, the law of contract in various states, and federal securities laws. Where you add value is combining legal knowledge with a deep understanding of the client’s business and its goals.

Do this if: ...you are interested in advocacy, doing things practically, and working collaboratively to reach a solution. If you like the idea of counseling business people on how to make decisions and taking the law and applying it to real world business decisions, then you will most likely enjoy working as a corporate lawyer. Corporate is not as adversarial as litigation; you are negotiating, but you have to work with opposing counsel in the hope of reaching a mutually beneficial outcome, and you cannot escalate issues the same way you can in litigation. Corporate teams can also be much smaller, which means you may have more opportunity to interact with senior lawyers and clients earlier in your career. Note that an unpredictable schedule comes along with most corporate work; when you are busy, you can be very, very busy.

Clients: Clients vary immensely from firm to firm. Some law firms represent large financial institutions and Fortune 500 companies across a range of industries, and others represent emerging technology and life sciences companies.

Intellectual Property

Big picture: Expect to represent clients in obtaining patents for the client’s inventions or registering trademarks and otherwise protecting and maintaining your clients’ intellectual property (IP) portfolios pursuant to federal patent and trademark law. It is important to understand and stay abreast of emerging science and technologies in your client’s area. Federal law governs this area and the U.S. Patent and Trademark Office is the agency that administers the law. Many IP lawyers also work in teams representing clients in patent litigation either in federal courts or at the U.S. International Trade Commission.

Every day duties: Plan on writing patent applications for inventors, negotiating with the patent examiner about the merits of your clients’ inventions and explaining why the inventions should be patented, and counseling clients generally about IP issues. IP attorneys also may work on litigation teams. In IP litigation, plan on doing further digging into the literature to get a sense of the technology at issue in the litigation, explaining to the team what the claims mean, recommending experts for the case and potentially preparing expert reports and witnesses, and drafting motions, especially if they are very technical.

Do this if: ...you have a science or technology background, are curious about new technologies,

and are not afraid of being confronted with something you do not initially understand. As an IP attorney, you have more of an opportunity to design and control your daily schedule than an attorney in litigation or corporate practice, because patent deadlines are set early on and do not change often. IP litigation teams offer a high degree of collaboration with experts, in-house counsel and other lawyers to understand the technology and break it down to a basic level for presentations to judges and juries. The outcome of your case can depend on how well you explain complex ideas and use them to your advantage, making “good lawyering” even more important.

Clients: Individual scientists and engineers, laboratory and research teams, R&D and product development groups, and businesses from startups to established technology and drug companies, are typical IP clients.

Bankruptcy

Big picture: Expect to advise and assist clients, both creditors and debtors, regarding the complexities of bankruptcy restructuring and reorganization, both in and out of federal court. Bankruptcy is generally a rules-based practice that tends to be a mix of transactional work and litigation. Depending on where you work, you may do more of one than the other. The practice is varied: Some bankruptcy lawyers are litigators, others are restructuring experts, while still others are experts in lending and debt finance.

Every day duties: Plan on working on motions and briefs, conducting research, preparing witnesses, reviewing credit agreements and corporate documents, providing advice to clients regarding out-of-court restructuring options and various aspects of the in-court reorganization process.

Do this if: ...you enjoy rules-based courses like Civil Procedure. The type of work that you do will vary depending on your workplace, but an interest in and understanding of the Bankruptcy Code is key.

Clients: Companies in distress, boards of directors, individual creditors and creditors’ committees seeking to recover something from bankrupt entities, large financial institutions, distressed trading funds, companies that are dealing with counterparties in distress, and potential buyers of troubled companies are typical bankruptcy clients.

Regulatory

Big picture: Expect to work at the intersections of law, policy and business advising national and international corporations, financial institutions, government entities and trade associations. Practices with a regulatory focus will involve controversy and counseling, ensuring regulatory compliance, managing governmental investigations, and devising and implementing policy and political strategies in anticipation of future government activity or litigating before agencies, often on an international scale.

Every day duties: Plan on counseling clients regarding legal and practical issues, conducting legal research, writing white papers and briefs, interpreting regulations and policies and conveying those concepts to clients, and understanding the political climates where the law is continuously

evolving and changing. You will also prepare and interview witnesses, conduct internal investigations and respond to agency and congressional subpoenas or requests for information. Regulatory lawyers must be comfortable advising clients and communicating complex policies to achieve successful solutions.

Do this if: ...you are interested in a mix of high profile, “bet-the-company” problems, counseling, navigating national and international regulations and policies. A good lawyer in this area would be someone who has a government or political science background or is interested in puzzling through the myriad of ever-changing regulations and policies to give clients real-world advice to their business problems.

Securities

Big picture: Expect to guide financial institutions, including banks, broker-dealers, and investment advisers, through ever-evolving statutory and regulatory requirements as Congress, a myriad of federal agencies (such as the U.S. Securities and Exchange Commission (SEC)), and numerous self-regulatory organizations (including the various stock exchanges) try to strike the right balance between protecting investors and facilitating the flow of capital necessary to fuel economic growth.

Every day duties: Plan on performing legal research and writing, communicating with colleagues, communicating with clients to understand the facts at issue or convey an understanding of the law, and, often, communicating with regulators to seek clarification or advocate on behalf of a client. Regulatory lawyers who represent financial institutions face the dual challenge of understanding both the reasoning and history motivating current law and the business needs of sophisticated clients who continually innovate in a competitive industry.

Do this if: ...you are interested in the evolution of law, both statutory and administrative, and in the mechanics of the financial markets. A good lawyer in this area would be one willing to look for—and capable of articulating—wise courses of action in the absence of certainty.

Litigation

Big picture: Expect to represent clients in lawsuits and contract disputes. In addition to civil disputes, many law practices, big and small, represent clients undergoing investigations in criminal and regulatory cases brought by the Department of Justice, the SEC and other agencies. Litigation is adversarial and litigators typically only become involved in matters after issues have materialized.

Every day duties: Plan on conducting legal research, undertaking various writing assignments (memos, letters, briefs, motions, etc.). Much of a litigator’s practice happens outside the courtroom, even if the case does eventually make it to trial. A large portion of a litigator’s practice focuses on developing a detailed understanding of the facts of a case, as well as the governing law. As a junior attorney, you can expect to be deeply involved in factual development, including preparing for and participating in interviews of witnesses, drafting and responding to discovery requests, gathering and reviewing pertinent documents, and preparing case chronologies and summaries of evidence.

As you gain more experience, you will take and defend depositions, prepare witnesses to testify before courts and other official bodies, participate in strategy discussions with clients, and make appearances in court. On some occasions, all of your efforts in the weeks or even months leading up to a trial date will be focused on trial prep. Typically litigators work on a few matters at once, all in various stages of litigation, so you must be good at juggling competing priorities.

Do this if: ...you have an intrinsic interest in case law and legal research and writing. Some cases are fascinating, but some may be dry and you will need to find aspects of the law involved that are interesting to you. While your writing skills can be developed, enjoying writing is a necessity, and your written work product will frequently be where you will see much of your success in litigation. You should also enjoy working on teams. One of the great rewards of litigation is that each new case gives you an opportunity to make a deep dive into the nature of your client's industry and how your client—whether corporate or individual—operates.

Clients: Various clients from individuals to multinational corporations across all industries.

Now, Pick Your Firms

At this point, hopefully one or two of these areas has gotten your attention. Next, spend time researching the firms that have meaningful practices in the area(s) you find interesting. Law students today have a wealth of information available about law firms. Try using some of the resources that clients would use in picking their lawyers. The firms' own websites contain helpful information, and the way they choose to highlight their practices and sell themselves can convey useful information about where they see their strengths and how they view their culture. Other websites that cover law firm life and culture more objectively—such as AmericanLawyer.com, [The Vault](http://TheVault.com), and in a more irreverent (and somewhat less objective) vein, AboveTheLaw.com—can also give helpful perspectives on many firms. Your law school's Career Services Office should also be able to recommend and have access to the best resources for digging deeper, including firm rankings. (Be sure to use rankings that are based upon actual practice data and are supported by editorial research such as *Chambers and Partners* and *The American Lawyer*, rather than rankings that are driven only by reputation.)

We recognize that at this point, your list might probably still be very long, and the firms may still blur into each other. One way to understand and narrow your choices is to think about the different broad categories of New York law firms you can expect to see at OCI, and then try to match up the categories where you would be most comfortable with the practices you are interested in pursuing. And at the risk of oversimplifying (and offending practitioners), the "types" of law firms in New York can be analogized to the better-known brands of hotels in New York:

• **N.Y.-Based Elite** (think The Plaza in its heyday, or The Waldorf): There are firms, largely or exclusively based in New York, that are

consistently ranked in the top 20 firms both locally and nationally. They are typically the mega firms with well-established, full-service practices and are often the go-to firms for financial institutions and the biggest corporate deals.

• **National Firm Elite** (think the Four Seasons or the Ritz Carlton): These firms are top nationally ranked firms with a substantial, but non-exclusive, presence in New York. These firms are often ranked alongside the N.Y.-Based Elite in rankings, but are not necessarily headquartered in New York.

• **N.Y. Solid Players** (think the St. Regis or the Peninsula): These are the firms with a strong history in New York and a limited national practice. These firms are sometimes found outside the top tiers of national rankings, but can have individual practices that are very strong.

• **N.Y. Boutiques** (think Tribeca Grand or the SoHo Grand): These are N.Y.-based firms that are much smaller, and they frequently will focus on one or two practice areas. Though they do not often appear in national rankings, many of these boutiques are highly regarded and a great place for a focused junior lawyer to begin a career.

During your law school's OCI process, develop a bidding strategy that focuses on your interests and spans the categories above (unless you are absolutely certain that you are, or are not, interested in one or more categories). Many recruits plan simply to go to the best ranked firm for a few years and then move on to the firm that best suits their practice and career aspirations. In many cases, however, that merely delays the hard choices about what you really think you want to do in your professional life, and perhaps takes you out of the driver's seat of aligning your interests with the nature of the firm's practice. In this case, your interests should really drive your decision.

The rest of your diligence may be done best by getting a sense of the firm "personality," which you can learn about through the resources discussed earlier, but which you can and should supplement through actual conversations with people in the know. Think of the firm you will ultimately join as a professional home. Though a brand name firm may have a practice that is of interest to you, it may not be the best professional and personal fit. Talk to former summer associates and current junior associates you may know or who are alumni of your law school to get a feel for firms you are considering. What is the word of mouth? Did your classmates enjoy their experiences during the summer? Are the classmates to whom you are speaking planning to go back to their summer firms, and if they are, how would you feel spending several years working with them during your career?

As you continue through the OCI process and return to firms for call-back interviews, it will be important to ask targeted questions not only to determine whether the firm's practice areas and culture are a "fit," but also to find out how much a firm can help contribute to your development as a lawyer and help you achieve your goals. Consider the following:

• How does the firm staff its cases, and how are assignments made to associates?

• What is the firm's commitment to training, and how often do they offer trainings (e.g., are you

expected to learn on the job as you go, are there regular in-firm workshops and firm-sponsored subject matter training, or will you need to rely on external continuing legal education programs)? Is there a professional development staff at the firm dedicated to your training and development as an attorney? Is the training only about substantive subjects, or do they also cover practice skills (e.g., how to conduct a negotiation, mock trials, networking skills)?

• How often will you get formal feedback? What is the basis for formal feedback? What resources does the firm have to help you improve?

• Is there a strong mentoring program? Will you actually have a chance to interact with senior lawyers, and will partners take a strong interest in your development and truly get to know you? Are there also more senior associates who can help you navigate the firm? If so, is there a formal structure to the mentoring, or is it informal?

• What are your opportunities for client interaction as a junior associate? Internally, will more of your interactions be with partners or other associates? What is the average size of a team on a given matter?

• What opportunities exist down the road if you would like to try something else (government service, in-house position, pro bono work, etc.) and does the firm welcome former lawyers back?

Armed with these questions, and your growing sense of your legal interests, you can begin to become truly informed about the N.Y. legal landscape. The key, as we mentioned earlier, is to use your interests to drive your search.

When students are first introduced to the on-campus recruitment process, they are often overwhelmed—and dazzled, and even a bit seduced—by the opportunities that are represented by the armies of interviewers swarming their campus. That is, to a greater or lesser degree, by design. High-quality legal talent is the life-blood of a thriving law firm, and those of us from law firms participate in the campus recruitment process to sell ourselves to you as much as you are trying to sell yourself to us. So take advantage of the process to learn, and to focus, and to guide yourself to a career that will work for you.