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Young Lawyers

Keeping Skills Fresh

By Anting J. Wang

The economic downturn has had a severe impact on many legal practice areas, as reflected in the demise or retrenchment of several high-profile law firms. For young lawyers, the recession has been particularly difficult as many have lost their jobs or face uncertainty about their continued employment.

Furthermore, difficult questions abound as to available career paths and the continued development of skills. Yet young attorneys need to keep their resumes fresh, whether they are employed at a law firm or currently seeking employment.

For many attorneys now at law firms, the legal landscape may seem bleak. Some associates work in areas with little or no work. Those associates may be demoralized by multiple

rounds of layoffs, whether by “stealth” (in which a firm masks layoffs by encouraging voluntary resignation), or public declarations (which signal to the market and clients alike that a firm is underutilized and likely with a dwindling book of business).

Those who remain employed should take several steps to make themselves useful to the firm and to ensure their continued development:

Seek Out Work at Your Firm.

Show initiative by approaching partners for additional work, in different departments if necessary. For example, a litigation associate doing general commercial litigation could market his or her skills to a bankruptcy partner handling a contested adversary proceeding. Or a junior corporate associate could offer to assist on a litigation matter, citing his or her moot court and law review experience.

Do Pro Bono Work. One recruiter observed, “When associates are ‘on the beach’ between periods of high activity, they often become acculturated to a lax lifestyle and are unmotivated and apathetic.” Taking on pro bono work is a way to stay motivated and ensure that your skills do not deteriorate.

You can take on criminal cases through a district attorney’s office, volunteer as a mediator in small claims court, or help out friends and family members with minor disputes. Corporate associates have plentiful opportunities too—they may

assist a nonprofit in drafting contracts or offer advice on tax issues. One recruiter even suggested that young lawyers identify a need, be it legal or not, and form a foundation to address such a need.

Utilize Your Firm's Voluntary Deferral Option. This is where an associate takes a leave of absence and receives a portion of his or her salary. Each firm's program differs in terms of whether an associate must perform legal-related work and in the compensation structure.

For example, Skadden, Arps, Slate, Meagher & Flom's "Sidebar" program offers attorneys in good standing a one-year voluntary deferral leave with the option to rejoin the firm afterwards. Participating attorneys receive one-third of their current annual salary in a single lump sum payment, and Skadden also reimburses outstanding law school student loans at their current repayment rate to a maximum of \$1,000 a month and covers COBRA health insurance costs. The firm does not require associates to perform volunteer legal work during their leave.

Pursue Secondment Options. A secondment is where an associate is transferred to another organization (most often a client) for an extended period in order to further develop his or her skills. Secondments are often pre-cursors to moving in-house, as clients seek familiarity with potential hires as to both cultural fit and skill set. Often, clients'

secondment needs vary by year and by client. However, there may be opportunities, so check with your firm or a client with whom you feel comfortable.

Write for Legal Publications. Writing articles for a law review, journal or bar publication hones legal writing proficiency skills. In general, you can get published by volunteering in an organization that publishes or by identifying and writing about interesting subjects.

For example, someone with entrepreneurial experience might write an article relating to solo practitioners starting up a practice. Or someone with a strong public service background could write about the effects of the downturn on charitable activities in the legal sector. Be sure to get a commitment from the target publication before beginning work, however.

Develop bonds with partners at your firm who are already established authors. They might steer assignments your way or request assistance in drafting an article, affording an opportunity with publications that generally do not accept work from new authors.

Step Up Marketing Efforts. In times of economic distress, associates typically try to maintain a low profile to avoid attracting unnecessary attention, viewing the year off as lost time. Yet the practice of law includes marketing, sales and promotion of the firm and its strengths. Because business relationships take time to de-

velop, you must be prepared to capitalize on a down market and display particular traits to ensure future advancement.

A young lawyer should take this opportunity to join bar associations, network, and develop relationships with potential clients. Despite a troubled economy, recovery will inevitably occur. This is a time for young lawyers to take advantage of the time to market themselves to full effect.

During the current recession, many young lawyers are recognizing that unique opportunities abound in distressed times. Those who are not employed at a law firm need to leverage their skills and talent. Here are some tips:

Form Your Own Firm. Many young lawyers have become successful solo practitioners, or have joined with other attorneys in starting up small practices. "Some small practices may be candidates for mergers at a future date," observed one legal recruiter. "For example, if your solo practice specializes in intellectual property or art recovery, then you can market yourself as a specialist in this area and be folded into a larger firm."

As an added benefit, young lawyers who start their own practices quickly learn law firm management. "There's a whole level of unbillable work that you never see as an associate at a law firm," said one young entrepreneur. The flip side is that such administrative duties take time away from developing core legal skills in the first few years. The

psychological payoff of self-employment should not be underestimated. After setting up his own practice, one solo practitioner stated that he would rather flip burgers for himself than work for anyone else ever again.

Volunteer. Pro bono work can further the development of legal skills. Often, programs such as those offered by a district attorney's office provide a mentor staff attorney, who guides young lawyers through the intricacies of criminal cases. There are also well-established nonprofit organizations such as Volunteer Lawyers for the Arts, that provide a significant amount of mentoring and guidance. However, volunteer positions are unpaid, so a young lawyer may feel financial pressure to seek paid options elsewhere.

Perform Non-Legal Work. A young lawyer could look for paid part-time non-legal work and simultaneously volunteer in a legal capacity. Doing so would eliminate any gap in the lawyer's resume while still allowing him or her to make ends meet. Candidates need only profile positions in their resumes that emphasize their strengths for a particular position. Working in a position closely tied to the law will help maximize your ability to return to the legal arena.

Take on Contract Work. While contract work offers attorneys opportunities to work in a legal capacity, often the duties of these jobs are considered too re-

petitive or burdensome to delegate to career-track associates. As a result, contract work of years past carried a stigma, and associates were discouraged from seeking such work and tarnishing their resumes. However, the economy is changing this, and contract work may be an option for those lawyers requiring financial flexibility.

Volunteer Clerk for a Judge.

Volunteer clerking is another option which requires some financial flexibility, because these positions are unpaid. However, this is one of the few unpaid options that law firms receive favorably. Clerking provides opportunities to develop legal research and writing skills, to form a connection with a judge who may become a lifelong mentor, and to demystify the legal process. Again, the economy has transformed the practice of law, and young lawyers would be wise to consider any and all opportunities that position them advantageously for future recovery.

Go Back to School. While most associates will not consider taking on additional educational debt in an era where large paychecks are no longer a guarantee, returning to school may be a good choice for those with targeted interests in specific practice areas. One former litigation associate stated that an LL.M. in taxation is highly prized, recognizing that tax is an area for which there will always be demand. Returning to school also

insulates young lawyers from the economy for a prescribed period of time, shielding them from the worst effects of the downturn.

Many young lawyers begin their careers with the idea that achieving legal success is a straightforward process tinged with luck. However, the downturn has fundamentally changed that perception, and young lawyers would do well to pursue other avenues to develop their skills and market themselves effectively. ♦

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