

CHAPTER THREE

TIMING YOUR TRANSITION

When should you leave your law firm job for public interest work, and how long will the transition take? As you plan this major career change, these questions will be among the first to come up. The answers rest largely on how your individual aspirations and circumstances intersect with job market conditions.

Hard and fast rules for timing your break from the firm do not exist. For example, the belief that you must remain as an associate at least two to three years to make yourself marketable is just a myth. It should not influence when you decide to leave. Leaving private practice before completing this imaginary two to three year requirement is also unlikely to damage your rapport with the people who know you at the firm. Many attorneys who have left before finishing even one year maintain good relationships with their law firms.

The truth is that attorneys successfully embark on public interest careers from every stage of law firm life: from three months after starting at a law firm to post-retirement after a stint as managing partner. Most associates who ultimately gravitate towards public interest work develop an irrepressible urge to leave private practice after one to four years. Some dissatisfied firm attorneys want to get out immediately; they resign first and look later. Others unexpectedly become aware of public interest opportunities and leap at them, exiting private practice long before they had planned. Still others search six months or more to find the right public interest job while continuing to

work full-time. Unless your firm asks you to leave, you control the timing of your transition.

The time never seemed to go fast enough. I felt stressed and competitive, trying to keep up with everyone else, and I felt out of place with the country club set. After about a year and a half, I started looking actively for a public sector alternative. While at the firm, I volunteered for a local bar association committee on Advocacy for the Elderly, writing grant proposals to set up an independent project. When that project obtained funding, I was hired as its Director. I left the firm seven months after I began my job search.

Assessing the Urgency of Leaving

Some lawyers seeking to escape law firms simply feel unable to withstand one more day at the office. Others want to try something more rewarding but do not feel any immediate pressure to depart. Most fall somewhere in-between. Departure timetables vary based on individual experiences with firm work and working conditions.

I decided I wanted to leave my first day there. It took me six and a half years to do it. I knew I wasn't a long-termer, but I stayed because it was easier to look around from the firm. I finally made the jump, and it was the best thing I've ever done.

The speed with which you want to depart will affect how you structure your job search. You need to evaluate how long you can survive firm life while looking for the right transition into public interest practice. Will you be able to remain at your current job for weeks, months, or years?

After being at the firm for a year and feeling burned out, I thought two weeks' vacation would help to make me feel better, refreshed. When it didn't, and I felt just as bad on my return, I knew something more was wrong. I decided that I wanted to leave at that point but found myself immersed in too much work to focus on my job search. After another year of escalating unhappiness, I realized that I had to make leaving a priority.

To determine how pressing it is for you to leave, take a hard look at what emotional toll, if any, private practice exacts from you. You may like private practice and be looking simply to find a career that provides even more professional satisfaction. Many associates, however, feel dissatisfied with aspects of law firm employment, but dismiss their misery as a part of the job.

Don't suppress your dissatisfied feelings. I'm sure I would have had a mid-life crisis if I kept going at the firm.

As a rule, unhappiness signals that something is wrong. Unhappiness can also be a powerful motivator: discontent often serves as a catalyst for positive change.

I made the decision to leave early because I felt I was going batty. I was becoming very stressed, getting migraine headaches, feeling physically ill a lot of the time. I wasn't feeling like me. It was like someone had taken out my circuit boards. I went to a career counselor, who said based on my test results she wouldn't be surprised if I was feeling alienated. I knew I was feeling angry.

If possible, leave while you are still on good terms with your firm, before you become so unhappy that your work product or working relationships suffer. Remember that your former employer's opinions of you and your work will not evaporate because you have left the private bar. They are likely to continue to play a part in your career.

In addition to such emotional and psychological considerations, life circumstances play an important role in the timing of many attorneys' moves to the public sector.

Younger lawyers often make the leap while still single or childless, when they feel their lifestyles can best undergo the transition. Other lawyers find that only after they have paid off most of their student loans or have saved enough for a down payment on a house, do they feel comfortable making the switch to public interest. Any time, however, can be the right time if it matches your individual needs?

If I was going to do public interest work at all, this was the time in my life to do it. I planned to leave private practice from the beginning because I always wanted to do poverty law. I figured I'd spend two years at the firm, and that's when I left. I was married without children and the law school had a loan forgiveness program

that would cover me. Everything was in place for me to take the plunge. I started looking in the fall and left in January of that year.

The Role of Job Requirements

The level of experience demanded by the public interest job you are after will also bear on the timing of your departure. You may, for example, find yourself most interested in employers such as the Department of Justice, U.S. Attorney's Offices, or impact litigation organizations that strongly prefer to hire attorneys with a minimum of two to three years legal experience. Keep in mind, though, that private practice is only one way to meet that requirement. Public interest jobs, which you may find more enjoyable than law firm work, can also provide superior training and credentials. Excellent lawyering experience can be gained in practice settings such as District Attorneys' and Attorney Generals' Offices, Legal Services offices, and in a variety of non-profit organizations, many of which may not require extensive prior experience. By considering alternative, more readily available public interest settings that provide relevant experience, you can leave your firm earlier than you may have thought and better position yourself for your ultimate public interest objective.

If you do not feel any personal sense of urgency to leave private practice, or if you have federal prosecution, high-level government work, or impact litigation as your goal, staying at your firm to build the requisite years of experience remains a viable option. Be sure, however, that you are actually developing skills and expertise from your work at the firm that will enhance your marketability when you make the transition. Working for a number of years in a big firm litigation department, for example, will not

impress a public interest employer if your experience consists mainly of discovery practice with little courtroom work. Also, keep in mind that the longer you stay, the more prospective public sector and non-profit employers may question your commitment to their endeavors. If you stay at your firm for a few years or longer, setting aside time for pro bono work becomes essential to demonstrating an on-going commitment to public interest work as well as to making contacts that will assist you in your future job search.

Anticipating Your Transition's Timeline

No one can predict how long it will take you to land an offer that will launch your public interest career. Unlike law firms, which usually know well in advance how many new associates or laterals they will be able to hire for the next fiscal year, public interest employers hire within the constraints of tight budgets whose parameters often remain uncertain until the last minute. Most public interest organizations and government agencies thus have no formal hiring cycle, but hire as vacancies arise and funds allow.

I applied for an opening at [a federal agency in D.C.] in March, as soon as it was posted. I didn't hear from them until the agency called in mid-September and asked me to come in that day for an interview. They had to fill the position immediately or they would lose the funding. They made me an offer the day of the interview.

There's a moral to this story—it can take a long time. Be patient. You can apply and then sit there for months not hearing anything and think that nothing's going to happen. Then, all of a sudden, you get a call, and the final stages of the

hiring process can happen more quickly and informally than you would ever have thought possible in the federal government. You need to be prepared mentally for how long the initial phases can take.

In the public interest market, you must seize the chance to do a particular kind of work, or it may not present itself again any time soon. Timing is particularly critical for those public interest practice settings that do have regular hiring calendars, such as certain District Attorneys' offices (especially for newer attorneys), government agencies and Capitol Hill after elections or when budget freezes have been lifted, temporary work such as political campaigns, and rarely-open jobs with prestigious public interest non-profits.

I wanted to leave my firm practice to become more involved in outside political activities. I was active in the Democratic Party and energized by my political work. The opportunity to run for City Council came my way. I took the chance and left the firm without any promise from them that I would be able to come back. I went eight months without income during the campaign. We had a newborn baby at the time. I was elected. Looking back, it took substantial commitment, determination, and guts to do.

Attorneys practicing in firms who have longer-term, but not immediate, plans to leave occasionally find that opportunity comes knocking before they seek it out. Such opportunities most often arise when your practice area within the firm relates to the

public interest field you hope to move into, or if you are handling pro bono cases and local public interest attorneys come to know and think highly of your work. Letting trusted people in on your dreams for the future can also result in unexpected opportunity.

A friend of mine saw a notice of an opening at the government agency that I appeared before on a regular basis. She asked me, 'Isn't this what you want to do?' I applied for the job, even though it was earlier than I had planned to leave the firm. My husband and I talked it over. We agreed that if I wanted the job in two years, when I had planned to leave the firm, it probably wouldn't be available to me. When the agency offered me the position, I decided to take it.

Sketch out a timetable for your job search, and target an optimal departure date. Making your plans more concrete will keep you oriented toward your public interest goals, even if you ultimately need to adjust your original schedule. With patience and persistence, even unlikely career changes can become realities.

I left my first job at a traditional law firm within four months, knowing immediately that it was not for me. Four years later, I resigned from my second, more progressive, law firm job, feeling I could no longer tolerate the adversarial nature of the legal process, the time pressures, and meaninglessness of my work. I was answering to too many masters, both clients and partners. I decided to answer to myself. I left without having another job lined up and without knowing exactly what I would look for once I started my job search.

I set aside time to reassess my career goals. I talked to everyone I could think of who might help. I decided that I wanted a non-traditional legal job, doing program administration and policy work in urban development. I landed a job after nine months of networking, when someone I had impressed during an informational interview decided to create a job for me.

How Much Time a Typical Search Takes

Count on searching a minimum of six to nine months from formally starting the self-assessment process to accepting the right opportunity. Of course, you may prove to be the happy exception and receive a terrific offer in a shorter time. The likelihood for a more rapid transition grows if you have done pro bono or other volunteer work while at the firm, or even in law school, that connects to your public interest goals, and if you have maintained or can renew your public interest contacts.

Expect your transition to take longer than six to nine months if you plan to:

- Limit your search to a small geographic area
- Apply only to a few organizations or government agencies, or to a very specialized area of public interest work
- Change to a substantive practice area in which you have minimal experience and/or contacts
- Enter non-traditional legal, or non-legal, public interest work without a background in that type of work
- Strike out on your own as a public interest entrepreneur
- Campaign for public office

The more flexible you are, without straying too far from your ultimate public interest job or becoming unfocused, the more likely you are to make a quick, successful transition.

Leaving Before You Have Another Job

I gave notice before getting a definite offer for another job. I knew that if I didn't draw a line in the sand for myself and make the move by then, the firm would be an easy place to stay. Because of the way cases were scheduled, I knew that if I didn't leave by July I'd probably wind up staying until at least December, which would be too late to get an early foothold in the political campaign work I wanted to pursue.

Conventional wisdom says that if you have the choice, keep your job until you find another one. Although most of the lawyers leaving private practice follow that advice, some leave their firms before having another job. They do so for a variety of reasons—feeling too miserable to stay at the firm any longer, believing that they will never actually leave otherwise, wanting to devote more time to their job search than they are able to manage while at the firm, moving long-distance, or wanting to take a personal detour before going back to lawyering.

I knew from the beginning that I would want to leave the firm, but had made no definite plans. After almost five years I was still there and miserable. A colleague and good friend decided he had had it, gave notice and planned a long trip before starting his job search. He inspired me. I gave notice and joined him. We traveled

cross-country for three months and had a fabulous time. When we got back, I started talking to everyone I could think of about my goal to get into non-profit program development.

Before leaving your firm without another offer, carefully weigh the risks and benefits. In addition to the obvious financial and benefits considerations, the downsides can include temporary loss of professional identity and collegial contact, as well as suddenly unstructured days. You will also probably have to explain to potential employers why you left your job and what you are doing now.

If you leave your job before you have another, it may raise questions in prospective employers' minds, but if they're answered, it won't have a negative impact. It may be more problematic if you've jumped around a lot, having spent a couple of years at a variety of firms.

Leaving without an offer becomes less risky if you are so unhappy that staying at the firm puts your emotional well-being in jeopardy. It also makes sense if your unhappiness at the firm affects your work so severely that you risk being fired or damaging your professional reputation or relationships. An early departure may also allow you to devote extra time to comprehensive career exploration, replenishing your energy and drive, reconnecting with family and friends, and rediscovering other interests that have fallen by the wayside.

I kept my intentions to leave secret from the partners when I first started looking for a legal services job. Then three months later I had a childcare crisis and decided to give notice without having another job yet. I guess that was a free-fall kind of thing to do. It turned out it was good not to be pulled in two directions at once, trying to get the law firm work done and job hunting too, which can be a time-consuming thing.

Gaining a lot of unstructured time can be liberating. However, it may also prove challenging to use this windfall in a disciplined way, without the external organization of a work environment. Plan how you will conduct your search before leaving the firm. When you are ready to start, approach your search as if it were a full-time job. Schedule a specific period of time to work at it each day. If you need to build up your public interest credentials, consider scheduling in some pro bono work in your chosen area. Staying actively engaged with people you find supportive becomes especially critical to boosting your morale and resolution if you choose to job hunt while unemployed.

Intermediate Moves

Undertaking volunteer legal work for a public interest organization or even a government agency provides attorneys who leave private practice with an excellent transitional option. An unpaid position enables an attorney to keep skills and knowledge current while attempting to land the right job. An agency or public interest organization will also, in many cases, look first to its volunteers when a staff position becomes

available. Volunteering in your area of interest adds relevant public interest experience to your resume and builds a base of contacts in the field.

Do not be afraid to ask your firm for help in finding a public interest volunteer placement. Many partners are well connected in the public interest community and will be happy to put in a good word for you.

Judicial clerkships and fellowships other options that has become more widely available to experienced attorneys. They can provide a graceful exit from private practice and a launching ground for a public interest career. Going to graduate school for a degree related to your area of interest can also serve this purpose. For a more in-depth discussion of these options, as well as the strategic use of volunteer work, see *Chapter 7, Making Yourself Marketable*.

You might also explore other alternatives for time away from the firm, such as taking a leave of absence.

I couldn't find a public interest job soon enough in Northern California, so I took a law firm offer when I graduated. During my three years there I became more and more frustrated with the uninteresting work and the way associates were treated. I arranged a year's leave of absence and went to teach English in a developing country. On my return, I extended my leave to look for a public interest job, which I found within two months through a contact I had made while doing pro bono work at the firm.

Keeping Your Search Confidential...

I found it challenging to keep my search a secret but did so because I did not want to marginalize myself at the firm. I did not know how long the search would take, and I felt that I had worked long and hard enough to warrant leaving within my own time frame.

Or Not...

I wanted to remain on good terms with the firm. My cases were scheduled well in advance, with relatively predictable crunch periods. I spoke with the partner to whom I reported about scheduling needs. I told her that I was planning to resign to work on a political campaign but that I could be flexible, within certain limits, about exactly when I'd leave. Together we came up with a date that worked for both of us.

Once you resolve to conduct a public interest job search while still working at your firm, you must decide when to let the firm know about your plans to leave. Most lawyers do not divulge their departure plans to their firms until they must: either when they have already accepted a job offer, or when they need references from firm colleagues.

I shut my door whenever I was doing anything related to my job search. I asked prospective employers and networking contacts who might call me at the firm to use my private voice mail for messages if I wasn't there to speak with them personally. I arranged informational interviews over lunch and used excuses like

going to doctors' appointments. Once I accepted the offer from the District Attorney's Office, I told the firm.

Lawyers are trained in foreseeing and weighing the consequences of courses of action. Determining whether to let your firm in on your plans is an opportunity to apply that training to your own circumstances. Some of the negative consequences of making your intentions public include:

- Being asked to leave before you feel ready
- Finding yourself out of the loop socially or in terms of desirable work assignments
- Receiving reactions from firm lawyers that can create doubts and raise your anxiety level; colleagues may comment in ways that lead you to feel you are making the “mistake of your life” or “jumping off a cliff”
- Encountering pressure to stay, which may deter you from your goals

The firm discovered I was planning to leave. When they found out, they started throwing me bones. They paid me compliments about my work and gave me more interesting cases and more responsibility. I put my search on hold and stayed.

On the other hand, disclosure has its advantages:

- Enhancing the likelihood of leaving the firm on good terms
- Alleviating anxiety that arises from keeping a job search confidential
- Cutting down on the deceptions necessary to carry out a job search in secret

- Controlling how the news is broken, and eliminating the possibility of your firm finding out about your plans from someone else first
- Getting reactions of understanding and support from colleagues
- Dramatically opening up your networking possibilities by engaging the help of colleagues at the firm who may be able to assist your search with information and contacts

Initially, I didn't tell the law firm I was looking to leave for a public sector job. I came in early to write cover letters and closed my door for job search-related phone calls. My secretary and I had a great relationship, and she helped cover for me. Even so, I found sneaking around stressful. After my second interview with the government agency in which I was interested, they wanted a recommendation from my current supervisor. At that point, I told the firm I was looking. They were okay about it and tried to work out a way for me to stay, but I made it clear that I wanted to pursue government work.

If you decide to keep your search confidential, there are steps you can take to enhance the likelihood that it stays that way:

- Keep in mind that the more people you tell, the less likely it is that your job search will remain a secret. Share your plans only with those people you trust, and be prepared nonetheless for unintentional leakage.

- Inform anyone you tell of your search that you have not yet told the firm of your plans and that you would like him or her to hold your disclosure in confidence.
- Tell potential employers that you prefer your firm not be contacted initially, and ask if an offer can be made contingent on acceptable firm references, if they are necessary.
- Choose references at the firm who you trust will keep your plans to themselves.
- Use public interest attorneys outside of the firm who know your pro bono work as references.

The Last Link

Having thought through the complex issues of timing, urgency, and confidentiality, the next issue to sort out involves the financial sacrifices frequently associated with leaving private sector work for public interest practice. Because this aspect of moving into public interest looms so large for many attorneys, we have devoted the entire next chapter to the various financial considerations you will need to take into account as you prepare for that move.