

OCS Bulletin

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What's Inside

Career-Related Articles,
Pages 1-5

OCS Staff Info,
Page 6

About OCS

The Office of Career Services (OCS) serves as a bridge between students, alumni and employers. The staff helps students and alumni to shape and realize their career goals. We also provide counseling, workshops and resources on judicial clerkships, international opportunities and non-law alternatives.

OCS is open Monday through Friday from 8 a.m. to 5 p.m. The office is located on the first floor in Room 143 in the Law School's office building on Nathan Abbott Way.

Career-Related Articles

Commentary: A Career Not Measured in Billable Hours.....	Pages 1-3
Bingham McCutchen Offers Buyouts to Some Associates.....	Page 3
LeBoeuf Lamb Establishes Entertainment Practice.....	Page 4
Choosing a Practice Area is Crucial.....	Pages 4-5

Commentary: A Career Not Measured in Billable Hours

Debra Bruno
Legal Times

I grew up the child of teachers. Besides learning the obvious lack-of-privacy lessons ("Does your father know you left the house in that outfit?" my high school history teacher once muttered to me), I also internalized the idea that in the working world, people get home every day at 4 p.m. and have summers off. To this day, it feels to me as if spending a beautiful summer afternoon sitting in an air-conditioned office goes against the natural order.

I'm getting a sense that more and more people are on the same page -- or a nearby one. Don't we all want more time away from work?

Yet at the same time, the office seems to be increasing its demands on our hours. One of the stickiest elements of the traditional working world is the often intractable and sometimes irrational insistence that people put in plenty of face time. The problem is especially acute in law firms -- places where associates actually worry about taking a 10-minute bathroom break. (Is it billable?) It doesn't take a rocket scientist to see a link between attrition and the legal world's obsession with the clock.

While few would say that the ultimate goal of a professional life is to have free summer afternoons (sorry, Henry James), more people are talking about ways to cut down on the time they spend at work.

(Continued on next page)

Career-Related Articles

Commentary: A Career Not Measured in Billable Hours

Continued from Page 1

BRING ON THE PRESS RELEASES

But are the law firms listening? They have done a brilliant job of creating initiatives with fancy-sounding names. More than one firm boasts that it offers flexible schedules, sabbatical time and varieties of telecommuting. Press releases tout all these wonderful programs. But try to find a lawyer who's made partner and worked a truly part-time schedule: It's about as rare as getting a seat on the bus at rush hour.

Boston lawyer Lauren Stiller Rikleen is in favor of initiatives that help lawyers balance their time, but she's realistic about the difficulties. In her book, "Ending the Gauntlet: Removing Barriers to Women's Success in the Law," Rikleen points out that lawyers who negotiate their own part-time deal often lose out. For instance, one young partner told how she had agreed to take a 25 percent pay cut so that she could work 75 percent of the time. The idea was that she would leave every day at 4 p.m. But she never managed to get out that early. She said, "I was at that time still fairly junior, and so people liked having me in the office every day."

In a chapter titled "Triumph Over Tyranny: The Road Away From Billable Hours," Rikleen quotes one former partner recalling life in her firm: "I think a whole lot of us would have given up the income. If you could have figured out how to trade the hours for a [lower] salary, people would do it." While that lawyer found a solution -- she went into government work -- not everyone, obviously, can take that route.

An even more radical comment came from a lawyer who dared to suggest to a senior partner that when a client calls on a Friday afternoon with a request for some work, maybe the lawyer could find out just how urgent that work is. Does it really need to be wrapped up by Monday morning? Is it truly worth ruining the weekend over? These would be refreshingly honest questions.

Maybe it stretches the imagination too far to think that a lawyer might tell the client that, no, he's not free this weekend,

what with the in-laws in town and Joe Jr.'s graduation. But couldn't he tell the client that he'll be charging premium rates, the same way the plumber does when the toilet inevitably breaks on a Saturday? (Of course, plumbers know their market. Clients might tell the law firm just where they can go with this idea of "Saturday rates." And, more importantly, they can just go down the street to the next firm that wouldn't dare try to take such a stand.)

THE FIX FROM WITHIN

Instead of seeking a fix inside law firms, another author suggests that the fix should come from the individual. Maybe, says New York writer Marci Alboher, lawyers just need to expand their own sense of possibility. They can still practice law, but they can also find real joy in preaching to a flock of Baptists or making documentaries. As Alboher, who started her career as a lawyer, describes her feeling: "I was not a passionate lawyer. I became a lawyer because it was the practical path. But I always had the fantasy of being a writer."

Alboher fulfilled her fantasy with "One Person/Multiple Careers: A New Model for Work/Life Success," a new book that argues the wisdom of one person embracing many jobs and identities. It's the "slash effect" -- in which people blend different professions, hobbies and activities to help them live a happier life.

Some people find that creative variety by dividing up their time at work -- between paying clients and pro bono projects and management tasks. But in researching her book, Alboher was struck by how many lawyers told her they were looking for a bigger change. In one networking talk she gave to a Kansas firm, a number of lawyers came up to tell her that while they had hit many career milestones, they just weren't feeling engaged by the work any more. One lawyer put the problem in a nutshell: "I could be stimulated by this if I took it down to 30 hours a week."

Some are already doing just that.

Alboher profiles one lawyer who works as a part-time hourly employee in the New York office of Weil, Gotshal & Manges while also directing and acting in theater companies. His hours at the firm depend on what else is going on in his life. He's doing what he loves, he has saved enough money to buy a house and the firm is very happy with his work. (Or so he reports, although he refuses to be named in the book. The firm may be loathe to have all its attorneys doing document review by day and declaiming Hamlet at night.)

"One Person/Multiple Careers" is also implicitly about women trying to figure out ways to spend enough time with their children without feeling too much of a kinship with Dumbo -- and enough time in a career without feeling that their toddlers will cry for the nanny when they skin their knees. Even though Alboher says that her concept is meant for more than just parents, lawyer/mommy may be the first big slash.

Those who can't possibly sit through another deposition may take heart from some of Alboher's more colorful anecdotes: a rabbi-turned-standup comic, a surgeon-turned-TV correspondent, a Pilates instructor/art consultant/author. Some of these people have moved on from their first professions, while others have done the slash thing. But the biggest inspiration comes from Alboher's own story.

After law school, Alboher was hired to work in the legal department at the Hong Kong office of Reader's Digest. She decided that if she was going to be living in Asia, she wanted time to write and to travel. So she negotiated a three-day-a-week schedule with the company. She brags: "I was the first lawyer in the company to successfully negotiate a part-time schedule." She says that her U.S.-based boss told her that as long as she got her work done and made herself available in the middle of the night for the occasional phone calls from other time zones, she was welcome to try it out.

Career-Related Articles Cont'd

Commentary: A Career Not Measured in Billable Hours

Continued from Page 2

That triumph spurred Alboher to the next request. Back in New York, she announced to the company that she was planning to leave the law. But in the meantime, she wanted to work a three-day schedule once more while she made the transition. No problem, the company said. "If you're good enough, you'd be surprised what you can negotiate," she says.

Next Alboher turned to freelance journalism. To accomplish that, she formed

a "goals group" that "coached each other through our reinvention," she says. Today she writes a careers column for The New York Times online and buzzes all over the country giving talks that are posted on YouTube. By refusing to settle for a daily grind, she has built a career tailored to her own creativity and verve.

And that brings us back to some essential questions. Are our jobs worth the time away from people and other things

we love, and the sense that life is slipping by? J. Alfred Prufrock lamented, "I have measured out my life with coffee spoons." We all need to ask ourselves if we're measuring out our years in billable hours while it's spring and the azaleas are so vividly pink.

Bingham McCutchen Offers Buyouts to Some Associates

Zusha Elinson
The Recorder
06-06-2007

While Bingham McCutchen is now paying top dollar to hold on to associates at its offices across the country, in San Francisco the firm seems to be paying top dollar so some of them will leave.

Several mid-level and senior litigation associates have taken a buyout deal from the 1,000-lawyer, Boston-based firm, according to multiple sources inside and outside the firm. Four attorneys recently left the firm, and three traded in their full-time associate status for the part-time title of contract attorney, those sources say.

On Tuesday, the firm raised associate salaries in all offices to the \$160,000 scale, following crowds of other large firms that have done the same.

Anthony Carbone, chair of the firm's committee on associates, described the personnel moves in San Francisco as "mutually agreeable transitions" initiated by associates based on their individual situations -- not layoffs initiated by the firm.

"Some things take on a life of their own," said Carbone, a partner in New York. "We didn't have any program; it just happened that we had this number of people. We didn't go up to people and say here's something you should take." Carbone declined to comment on the individual deals or identify those who accepted them, but he said that, in general,

agreements like these could include a severance payment.

Although Carbone said there was no one factor that precipitated the departures, lawyers inside and outside the firm said that a slowdown in commercial litigation was to blame. One Bingham associate who did not want to be identified, and who did not leave or get reclassified, called it a "creative solution" in "dealing with the ebb and flow of commercial litigation."

David Balabanian, who heads the firm's litigation practice, said the firm's litigators are doing just fine. In San Francisco, litigators are busy with antitrust cases for clients like Intel, commercial fights like the one between Oracle and SAP, and IP cases for clients like Blockbuster in its battle with Netflix, as well as backdating matters, he said.

Balabanian declined to comment on any personnel matters. "The litigation practice is strong. There are ebbs and flows, so that from time to time some parts are in the ebb or the flow, but that's nothing new," he said. "Our commitment to litigation, that it will remain one of the firm's great pillars, is reflected by our hiring targets, which continue unabated, as well as our recent merger."

The firm recently closed a deal to acquire Los Angeles litigation boutique

Alschuler Grossman.

Multiple sources say that as litigation work ebbed, the firm made it known that associates thinking of leaving should talk to management individually.

"There was an opportunity for people to leave who wanted to go," said one lawyer familiar with the situation. "They provided some severance."

"Some people decided to do it, and some people decided not to do it," one Bingham associate said.

Though the firm wouldn't say who may have accepted buyouts, four litigation associates have left in the last month. One of them, Tyler Theis, said he was interviewing for in-house jobs, but declined to comment further. The other three -- Renee Dupree, Farschad Farzan and Vibeke Norgaard -- either declined to comment or couldn't be reached for comment.

Three other associates -- Sivan Gai, Todd Pickles and Edward Donnelly -- were recently reclassified on the firm's Web site as part-time contract lawyers. Gai and Pickles declined to comment publicly, and Donnelly didn't return calls.

No one would say how much severance was offered.

Career-Related Articles Cont'd

LeBoeuf Lamb Establishes Entertainment Practice

Anthony Lin
New York Law Journal
06-06-2007

LeBoeuf, Lamb, Greene & MacRae has launched a New York-based entertainment practice.

The group will be led by L. Londel McMillan, who is joining LeBoeuf from his own firm, the McMillan Group.

McMillan has represented pop icons

Prince, Michael Jackson, Stevie Wonder and Kanye West, among others.

Four other lawyers are joining LeBoeuf from the McMillan Group, including corporate partner John Quinones. He was previously the manager of product management law at Teachers Insurance and

Annuity Association of America-College Retirement Equities Fund (TIAA-CREF). The group also includes intellectual property counsel Bernard H. Jackson and two associates.

Choosing a Practice Area is Crucial

Jeffrey Lowe
Special to The National Law Journal
June 4, 2007

The summer associate enjoys an enhanced status at a law firm, falling somewhere below an equity partner but easily miles above that of an ordinary associate (and, truth be told, probably ahead of many partners as well). Becoming a summer associate is like getting a Fastpass to the good life, but unlike riding Space Mountain, this ride will last just 10 to 12 weeks. The question is: Will everyone be smart enough to make the most of this opportunity?

My introduction to the good life came in 1988, when I summered with a major firm in New York. Having traded in my \$5 hourly wage at my father's furniture store for a weekly salary of \$1,400 (chump change compared to the \$3,000 this year's summer class will earn), I thought life couldn't get any better. Lunches, dinners, "dream nights" — we had it all. And, amazingly enough, back in the 1980s expectations for summer associates were even lower than they are today. All we had to do was account for four hours of our day — they didn't have to be billable, just accounted for.

Although I have fond memories of that summer, I have come to view it as a missed opportunity, for I returned for my third year of law school with only a marginally better understanding of what the practice of law would really be like. More significantly, I failed to understand how the selection of a practice area would come to affect both my personal and professional life for years to come. Moreover, I was fairly naïve about the importance

of networking. While things ultimately worked out fine for me, not everyone may be as fortunate. Below are some suggestions for making the most out of one's summer experience.

The selection of a practice area may have a greater impact on an associate's life than any other factor, even the selection of a law firm. Practices are generally divided into three categories: business/transactional, litigation and regulatory.

Business/transactional practice typically includes things such as mergers and acquisitions (M&A), corporate governance, securities, lending and finance. These practices are usually very document-intensive, but require associates to spend relatively little time in the library researching case law. There is often a significant amount of drafting involved, but it is not "argumentative" in the way a litigation pleading might be. Instead, a business lawyer spends the majority of his or her time drafting and reviewing contractual agreements. One of the highest compliments that can be paid to a business lawyer is to be called a good draftsman, for it means that she has the ability to capture complex business terms in a clear and concise manner, in a way that can be understood both by the parties to the transaction and any third parties who may later review the documentation.

Whereas business law requires clarity, litigation requires persuasion, and, most people would agree, one is either born a litigator or not. The life of a young litiga-

tor, especially one at a large law firm, most closely resembles the public's Grisham-honed perception of what a "real lawyer" does: He or she reads arcane case law, writes briefs and memoranda, argues about everything and sometimes threatens to rip out your kidneys.

In the old days, it used to mean long hours in the library, pulling cases, "Shepherdizing" the good ones (is that done anymore?) and crafting the argument. While innovations like Westlaw and laptops have untethered litigators from the library, their basic work remains the same. Litigation is also document-intensive, and will require many nights and weekends poring through boxes of documents looking for the smoking gun.

Regulatory practices can often have elements of both business and litigation. The subject matter is typically highly specialized, and includes practices such as aviation, communications, energy, health care and education. These practices often require an intimate familiarity with relevant legislative enactments, such as statutes, rule-making and procedure. Whereas transactional lawyers and litigators have a little knowledge about a lot of things, the regulatory lawyer's breadth may be more limited, but his knowledge of his particular practice area is deep.

(Continued on next page)

Career-Related Articles Cont'd

Choosing a Practice Area is Crucial

Continued from Page 4

Generally speaking, those who choose to do sophisticated M&A work, or bet-the-company litigation, can expect to spend many nights and weekends at the office or on the road. The reason for this is simple: Clients cannot, and will not, adjust their needs to the lawyer's schedule. In business, time often truly is of the essence, and the failure to act immediately can cost a company dearly. That means both partners and associates alike can expect to live with their cellphones and BlackBerrys always by their side.

Conversely, certain practice areas, especially some of the regulatory ones, have a more regular rhythm. This isn't to say that these attorneys work any less hard, but rather that their daily schedules may be more predictable. For example, regulatory specialists are often called by transactional lawyers to help review certain aspects of a merger. They might be asked to assess the target company's benefit plans, real estate holdings or regulatory licenses, and advise the acquiring company as to the impact the merger will have on those matters. While each specialist is responsible only for his area of expertise, the transactional lawyer must coordinate all of the reviews, and can't complete his work until everyone else's is done.

Of course, every practice is different and every firm is different. The important thing for associates is to figure out which type of practice appeals to them, and whether the lifestyle dictated by that practice is consistent with their goals.

Once a summer associate has a general understanding of the different types of practices and how they may affect one's lifestyle, how should a summer associate go about figuring out whether these distinctions hold true at his or her firm? The key is networking. Networking can take many forms and serve multiple purposes: It can enhance friendships, allow associates to position themselves for coveted assignments and, ultimately, serve as a foundation for rainmaking in later years. The bottom line is that someone who wants to become a "player" needs to hone his or her networking skills and connect with people at the firm on all levels.

An obvious place to start networking is with other members of the summer associate class. Chances are that the vast majority will return as fellow associates and, like it or not, over the next several years a new associate will likely spend more time with other associates than anyone else, including his or her spouse, partner or significant other. It's important to attend as many events as possible and get to know other members of the class. The purpose of networking in the business context is to make connections and gather information. Many other summer associates will be doing the same. By networking with them, a summer associate will open herself up to multiple sources of potentially relevant and helpful input.

Another good strategy for summer associates is to seek out lawyers who most closely resemble themselves (figuratively, not literally) and their personal situations, to get a feel for what life will be like when they return as associates. For example, a single parent would want to seek out associates who are also single parents. The pressures they feel will almost certainly differ from those experienced by associates without children, or even by associates who have children but are married or have partners. Being a good networker requires taking the initiative — one should invite these folks out for lunch or dinner. These associates, and even many partners, will often be eager to share their experiences, so that by the end of the meal, a summer associate can know far more about the firm (and what life will be like) than he or she dreamed possible.

Networking in a practice area

Particularly astute summer associates realize early on that their chances of winning a permanent slot in a coveted practice area can be enhanced by networking with both partners and associates in that practice area. Some of the more specialized ones, such as appellate litigation or education, often have just one or two open slots and a surfeit of interested parties.

Summer associates need to take the initiative and make themselves stand out. If they don't, they could find themselves

doing grunt work all summer. It goes without saying that one needs to complete all assignments to the best of one's ability, but a summer associate also needs to make time to talk to people, find out what they do and determine which practice areas, and which types of work, are of the most interest and best fit.

Summer associates should attend all events sponsored by the practice group in which they're interested. They can find out from the firm's Web site who practices in that area and make a point of meeting as many of them as possible. They should tell their assignment coordinator of their interest and request as many assignments in that practice area as the firm will allow. (Incidentally, anyone who feels that this approach makes him or her feel too much like a "gunner" needs to get over it. There's just too much at stake to be passive about the direction of one's career.)

Placing oneself in front of members of the group and, more importantly, doing exceptional work for them, will significantly enhance one's chances of working with that group as a first-year associate. Of course, this approach can backfire, because those who don't do great work, or are not well received by one or more members of the group, will have virtually eliminated any chance of ever working with them in the future.

Those who have absolutely no idea which type of work might interest them should seek out as many different kinds of assignments as possible and expose themselves to a wide range of practice areas. While most summer assignments tend to gravitate more toward research and legal memoranda, an exposure to different practices and the partners and associates who have chosen to work in them will give a summer associate important insights into what life would be like in that practice area and whether it would be right for him or her.

Being a summer associate is a lot like being at Disney World — it's pretty hard to have a bad time, but those who don't plan ahead will miss some key rides and have to go back home knowing that they didn't take full advantage of the opportunity.

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