

# OCS Weekly Bulletin

April 8, 2008

Upcoming OCS Programs, Firm Events & Career-Related Articles

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## 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.

## Upcoming OCS Programs

**“How to Have a Successful Summer” Panel-** Wednesday, April 16 at 12:45pm

Join both Hiring Partners and Legal Recruiting Managers as they share how best to succeed as a summer associate! This workshop is essential for 1Ls and 2Ls who plan to spend their summer with a firm. Our panelists: Keith Wetmore, Managing Partner, Morrison & Foester (San Francisco); Sharon Flanagan, Hiring Partner, Sidley & Austin (San Francisco); George Keller, Hiring Partner, Foley & Lardner (San Francisco); Ella Foley-Gannon, Hiring Partner, Shepard Mullin (San Francisco).

Please RSVP through Symplicity (<https://law-stanford-csm.symplicity.com/students>), as lunch will be provided.

**Fall 2008 OCI Preliminary Orientation-** Tuesday, April 22, 12:45pm in Room 290 (\*Please Note Room Change to 290\*)

Please join us for a brief orientation about the upcoming Fall On-Campus Interviewing Program. We'll be covering the logistics and procedures of OCI and answering any questions you may have.

## Upcoming Firm Events

**Paul, Weiss Panel: Public Interest in Private Practice-** Thursday, April 17 at 12:45pm in Room 283.

Paul, Weiss invites Stanford Law students to lunch and a panel presentation. Come learn about balancing public interest and private practice in your future career. Please RSVP in Symplicity (<https://law-stanford-csm.symplicity.com/students>) under the “Events” section.

**Paul, Weiss Pre-Bar Review 1L Reception-** Thursday, April 17 from 8:00-10:00pm at Illusions Restaurant in Palo Alto.

Paul, Weiss invites all Stanford 1L's to attend a Pre-Bar Review Reception. Please RSVP to Hannah Norman via e-mail at [hnorman@paulweiss.com](mailto:hnorman@paulweiss.com) by Tuesday, April 15.

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## Upcoming Firm Events (cont.)

**Morgan Lewis SF Bay Area 1L Diversity Reception-** Wednesday, April 23 from 5:00-7:00pm in Morgan Lewis- SF office.

Morgan Lewis would like to introduce you to their firm and to learn more about their people, practice groups, offices and culture. There will be representatives on hand from several of their offices, as well as 2L's that will be spending this coming summer with them and 3L's that spent their summer with them last year and will be joining the firm this coming fall.

Please RSVP to Jennifer Anker Kaufman at [jkaufman@morganlewis.com](mailto:jkaufman@morganlewis.com).

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## Career-Related Articles

• **Hiring Lawyers by the Numbers**.....Pages 2-4

Many companies are instituting new policies for hiring outside counsel -- policies that are making some general counsel squirm and some law firm lawyers shudder. Corporations are mandating that their procurement or purchasing departments become involved in every decision to outsource services -- including legal work. Some say this focus on cost-cutting has resulted in a "commoditization" of legal services that may threaten the trusted relationship between in-house counsel and outside attorneys.

• **Climate Work Heating Up at Law Firms**..... Pages 5-6

A growing number of major firms are creating a climate change brand, with Skadden, Arps, Slate, Meagher & Flom being the latest -- this week it was scheduled to launch a 23-lawyer group specifically devoted to climate change issues. "The whole area is changing," says Kenneth Berlin, who will head the group. "The area is developing so quickly now that it now merits a practice area." But unlike other fleeting law firm trends -- remember those Y2K practices? -- there appears to be real work to be done here.

• **Bucking Trend, Law Firms Build Structured Finance Groups**..... Page 7

Structured finance, which includes work related to the full spectrum of mortgage-backed securities, is the acknowledged ground zero of the current credit crisis, and firms heavily focused on the area -- like Thacher Proffitt, McKee Nelson and Cadwalader -- have already laid off or encouraged the departures of scores of lawyers. But while some firms are bleeding, others are building, and at least some of the lawyers affected by the downturn have bounced back with surprising speed.

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### Hiring Lawyers by the Numbers

Ursula Furi-Perry  
GC Mid-Atlantic  
April 1, 2008

Many companies are instituting new policies for hiring outside counsel -- policies that are making some general counsel squirm and some law firm lawyers shudder.

Under pressure to control expenditures for legal services, general counsel are increasingly called upon to explain their outside counsel hiring practices and the resulting costs to their clients. More important, while in the past the details of hiring decisions may have been left up to general counsel and their law departments, now many corporate employers are getting involved.

Some corporations are implementing policies that mandate that their procurement or purchasing departments become involved in every decision to outsource services -- including legal work -- says Ron Friedmann, president of Prism Legal Consultants Inc.

Some outside counsel say that this increased involvement by purchasing and procurement departments has resulted in a "commoditization" of legal services -- corporate clients purchasing legal services much like commodities.

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# Career-Related Articles

## Hiring Lawyers by the Numbers

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“There’s a movement right now, across the board, to pay the lowest price you possibly can,” says Ed Hansen, a partner in the global outsourcing and technology practice at Morgan, Lewis & Bockius. “On the surface, it seems like a good idea, but companies aren’t able to differentiate what’s a commodity and what’s not. You can’t buy outsourcing services like you buy pencils.”

Hansen calls outside counsel services “relationship-based contracting,” and says those contracts can fail when the GCs need to work internally with management or departments like procurement or purchasing come between in-house and outside counsel.

### THE CHALLENGE

“Unlike other portions of the company that can be easily measured and quantified, it’s very difficult to quantify legal services,” says Susan Hackett, general counsel of the Association of Corporate Counsel. Legal services have value beyond the billed hourly rate, although that value is tough to measure.

“How do you measure the troubles the company didn’t experience?” says Hackett. “How do you prove the value of, ‘We didn’t have an SEC investigation this year’?”

Procurement or purchasing employees who are not part of the legal department may find it difficult to appreciate or even understand those values. They may also find it hard to differentiate between a straightforward legal task that could be performed by most corporate lawyers and one that requires involvement by a trusted legal adviser who may be familiar with the company’s legal needs or who has particular expertise.

The procurement department is often brought in because some corporations understand that their attorneys aren’t that great with numbers, budgets and purchasing, Friedmann says. Management may think that attorneys tend not to negotiate legal costs and decide to step in. “When purchasing departments see how lawyers operate, they see low-hanging fruit,”

Friedmann says. For the cost-conscious company, legal services present an easy way to reduce costs.

Yet this focus on cost-cutting may threaten the trusted relationship between in-house counsel and outside attorneys.

“Securing outside counsel is such a personal decision,” says Hansen, and involving procurement people in the process “is like using the procurement department to hire an employee.” When costs are the deciding factor in hiring outside counsel, the value of hiring someone trusted and familiar to do the job -- not to mention someone whom the law department can work with -- is often discounted.

Hansen recalled a complex telecommunications deal for a large corporate client where he not only negotiated the original contract, but also renegotiated it two years later when the provider threatened the client with litigation.

Hansen successfully resolved the issue, even netting the client some money in the process. Yet when the contract was up for renewal, Hansen received a surprise: a request for proposal for legal services.

As part of its efforts to cut costs, the company required that outside counsel hiring decisions be made with the involvement of the procurement department. Hansen was outbid and replaced on the deal he had originally crafted by a lawyer whose bid was just 10 percent of Hansen’s price for the job, despite corporate counsel’s insistence that Hansen handle the contract and appeals to the chief information officer and a vice president to try to get him hired.

The contract at issue was ultimately renewed without much renegotiation.

Merely looking at costs is not always the best way to choose outside counsel, Hansen says. Procurement employees who don’t have a legal background are often unable to differentiate between attorneys and may ultimately outsource to a new attorney without the skills and trust required for the job, simply on the basis of lower costs.

“A procurement group is not capable of differentiating between top players,” Hansen says. “They don’t understand

that their skill sets need to be separated, and are also incapable of differentiating between top and bottom players.”

Legal services are different from other services, Hansen adds, and while “a lot of legal work is in the nature of a commodity, the procurement groups can’t differentiate.” As a result, difficult, detailed or important cases may be outsourced to unqualified attorneys, even though they may require more seasoned or familiar outside counsel.

Hackett agrees that there’s something different in what lawyers do, but said it’s difficult to put a finger on what that difference is -- and even more difficult to put it into words and relay it to management.

Legal services are different from others because of the professional and ethical traditions that characterize the field, yet, “I don’t see people always living up to that,” said Hackett. “We need to rediscover what made us different in the first place.”

### THE SOLUTION

“One of the challenges is balancing how well the outside firm knows the company’s business with how cost-effective they are overall,” Friedmann says.

General counsel are in a unique -- and uniquely difficult -- position: Although they are obviously concerned with getting the best legal services possible, they also answer to management on costs, just like any other department.

“It’s clear that corporations are increasingly looking at ways to save money, and law departments are cost centers and need to be managed as cost centers,” Friedmann explains. “A forward-thinking general counsel should look to the purchasing department for help.”

While procurement or purchasing department involvement with hiring outside counsel can lead to tension, savvy general counsel shouldn’t ignore the purchasing department’s interest and expertise. Rather, in-house counsel should work together to balance the company’s cost-cutting needs with their preferences for outside counsel.

Hackett says coming up with unique

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# Career-Related Articles

## Hiring Lawyers by the Numbers

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models for comparing legal services might be the key to that balance.

“The ‘counting pencils standard’ doesn’t apply, but that doesn’t mean legal services don’t need to be measured,” Hackett says. “They just need to be measured differently.”

General counsel should look for ways to quantify legal services that will steer the procurement department toward measuring results, not just costs.

For instance, some law departments look at comparative savings in the industry in general or at outside counsel savings effected by better practices or better technology, Hackett says.

Some large companies even have created a position within the law department whose sole responsibility is to oversee outside counsel costs, retention rates and savings maximization. Such a position -- particularly when filled by a member of the law department -- can cut costs while ensuring that the company’s legal needs are adequately met and outsourced to the right people.

The key is to work with procurement to establish better metrics, Hackett advises, because it’s ultimately the legal employees who understand how legal services should be measured. And when general counsel come up with a novel way to compare and measure legal services, they ought to put it into a formal plan because doing so will help prove to management that the lawyers understand the business end of legal services and are committed to containing costs.

In fact, Friedmann says that in-house lawyers need to be more involved in managing outside counsel costs and services.

“Understand the corporate approach to purchasing and understand the perspective of the CEO and CFO on purchasing,” he advises.

That may mean setting case budgets, taking an active part in yearly reviews, and gaining a better understanding about budgeting and cost management methods in general. Unique and creative ways of procuring outside counsel services such

as online reverse auctions and e-billing, both of which are slowly being introduced, might also help cut costs, yet can yield the same level of service to which law departments are accustomed.

Law departments can also help by drawing clear lines between legal projects and cases that need different types of attention and assistance. For instance, law departments can help differentiate “low-end” work from “high-end work,” Friedmann says.

“Some may be higher-stake, but there are a lot of lower-level day-to-day claims ... that are fairly straightforward.” For those cases, general counsel should first determine whether to in-source or out-source the work, and if the decision is to outsource, “the next question is, whom do we outsource to?” Friedmann says. “If you separate the nature of the cases, you can apply different sets of criteria.”

Still, at times, general counsel will have to stand up for their choice in outside counsel, Hansen says, even if that means more costly work, and they will have to make sure they have the final say in procurement of outside counsel.

General counsel may be worried about alienating long-term outside counsel colleagues, yet cost-cutting measures don’t necessarily have to adversely impact trusted outside counsel relationships. “There are ways of managing purchasing that are still respectful of relationships,” Friedmann says. Have scientific -- not antagonistic -- conversations with outside counsel, he recommends, laying out data about their costs and the costs of competitors.

All this cost-cutting business “may threaten a relationship with outside counsel who’d been with in-house counsel for a long time, but it also offers a chance for an even stronger relationship ... and will solidify those relationships that can stand the test,” Hackett says.

Hackett also says there is a clear trend toward cost-cutting on lower-end work.

Some general counsel increasingly turn to smaller law firms who haven’t been

on their lists of providers in the past. Fed up by increasing hourly rates at the big firms, many corporate counsel use their top players solely for difficult, complicated or potentially costly cases and opt to give lower-end work to less expensive outside counsel instead.

In some instances, outside counsel face yet more avenues of competition for corporate clients. On certain jobs, for instance, companies looking to cut their legal costs may favor less costly legal research firms and or outsourcing to attorneys overseas.

A recent article in the Connecticut Law Tribune reported on one general counsel at Terex Corp. who was so outraged by big firm costs that he floated the idea of taking legal work to India. His outside counsel firm drastically dropped its hourly rate.

Whether it will continue to create friction between corporate counsel and their outside counterparts, this is clear: Pressures to cut legal costs will continue to plague law departments, and general counsel will have to come up with innovative ways to reduce costs while maintaining quality.

*Ursula Furi-Perry is a lawyer and a writer on legal issues. This article first appeared in GC Mid-Atlantic, an ALM publication.*

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# Career-Related Articles

## Climate Work Heating Up at Law Firms

Marisa McQuilken

Legal Times

April 4, 2008

Kenneth Berlin and his team at Skadden, Arps, Slate, Meagher & Flom have been working on climate-related matters for years. He headed the Justice Department's Environmental and Natural Resources Division, chaired the Environmental Law Institute and has shepherded a mountain of environmental litigation for major corporations.

Skadden hadn't needed a climate change group before: It simply tapped environmental, energy regulatory, intellectual property and tax lawyers to help out when the need arose. Partners, however, at the nation's highest-grossing law firm have changed their minds: This week, they were scheduled to launch a 23-lawyer group specifically devoted to climate change issues.

"The whole area is changing," says Berlin, who will head the group. "The area is developing so quickly now that it now merits a practice area."

The firm is joining an ever-growing list of major firms that are creating a climate change brand. Akin Gump Strauss Hauer & Feld, for example, debuted its climate change practice in November. Vinson & Elkins announced its climate change practice last spring, and many others have organized groups in recent months. In fact, 26 Am Law 100 firms tout some form of a climate change practice. A handful of others hype clean technology groups.

"Climate is hot in a way that nothing else has been before," says Latham & Watkins partner Robert Wyman Jr., the firm's lead counsel for Clean Air Act matters. "We're talking about transforming the energy and transportation economy."

Unlike other fleeting law firm trends -- remember those Y2K practices? -- there appears to be real work to be done here. Heightened regulation of companies releasing carbon dioxide and other greenhouse gases has led to a host of new legal questions. Although Congress is still working out federal emissions limits, corporate clients are facing state and regional emissions caps as well as stan-

dards outside the United States set by the Kyoto Protocol. The work, mainly, falls into two categories: helping companies navigate emissions caps issues and litigating disputes arising from emissions limits or from problems caused by greenhouse gases.

That said, there's still a marketing ploy at work: "Climate change" groups, primarily, rely upon lawyers from existing practice areas, such as corporate, energy, tax and, of course, environmental. Labeling a multidisciplinary group as a "climate change practice" is shorthand for clients who are genuinely fearful about regulation and litigation. "I don't think there's a single Fortune 100 company who has not had a board-level conversation about their exposure to climate change regulation," says Todd Glass, chair of Heller Ehrman's energy practice and a partner in the climate change group.

### CASH INCENTIVE

Naturally, there's money to be made here, too.

Covington & Burling's Rubén Kraiem, who co-chairs the firm's carbon markets, climate change and clean technology practice, says the 17-lawyer area has generated \$1.5 million annually since its inception in 2005.

Kraiem estimates that at least 250 of the hours Covington lawyers spent for clients Kohlberg Kravis Roberts & Co. and Texas Pacific Group on their \$45 billion leveraged buyout of TXU Corp. in 2007 were billed as climate change work. (Partner Stuart Eizenstat is the Covington group's other co-chairman. During the Clinton administration, Eizenstat led the U.S. delegation that negotiated the Kyoto Protocol.)

During the TXU buyout, investors became concerned about opposition from environmental groups because of the Texas energy company's coal-powered generation of electricity. The buyers wanted the deal to include a number of policies addressing climate change issues.

Covington, Kraiem says, helped structure those commitments, which included increasing TXU's investments in renewable energy and creating an advisory board with representatives from environmental groups.

Latham's Wyman says his firm's global climate change practice, which started in 2004, is generating serious revenue. He says one of his current climate projects alone has brought in more than \$1 million in fees. He declined to disclose the name of that client.

Claudia O'Brien, a partner in Latham's Washington office and a member of the global climate change practice, says she can recall at least 30 recent deals at the firm that have involved climate change.

Wyman, a partner in the firm's Los Angeles office, organized the California Climate Coalition and now counts it as one of his major clients. The coalition's 18 members include Shell, Chevron, General Electric, Northrup Grumman and a number of startup clean-technology companies. The startups can potentially provide the carbon-emitting members with ways to reduce their emissions, and, in turn, those members can invest in and help expand the startup companies.

Wyman formed the coalition in anticipation of the 2006 enactment of the California Global Warming Solutions Act, which mandates that greenhouse gas emissions from major industries are reduced to 1990 levels by 2020.

American Honda Motor Co. Inc. belongs to the carbon-emitting side of Wyman's coalition. David Raney, senior manager of environmental and energy affairs for Honda, says he sought out Latham, and specifically Wyman, for the firm's expertise on carbon trading. "We're breaking new ground," Raney says. "This is fundamentally asking some new legal questions."

### CARBON LAWYERS

One of the key business drivers for firms is the Kyoto Protocol. Though the

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# Career-Related Articles

## Climate Work Heating Up at Law Firms

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United States has never adopted it, Kyoto took effect in much of the rest of the world in 2005 -- and U.S. companies are bound by it when they operate in international markets.

The protocol requires developed countries to reduce greenhouse gas emissions to below-1990 levels and allows companies to invest in clean energy projects in other countries in exchange for credits to offset emissions. The European Union, for example, has set up a cap-and-trade system under which companies are assigned emissions limits. They can then trade for carbon credits if they exceed their caps. Pending legislation in the United States could set up the same type of scheme here. (U.S. companies also engage in voluntary carbon trading, often in response to shareholder concerns.)

And that's where the "carbon lawyers" come in. Alston & Bird partner Kipp Coddington, for instance, helps his greenhouse gas-emitting clients navigate the carbon market by advising them on emissions trading issues. He says 90 percent of the practice's clients are new to Alston and were, specifically, looking for climate change expertise.

Coddington proudly declares himself a carbon lawyer. In many ways his practice bears the markings of traditional corporate work. The Washington partner leads the climate change and carbon management group and says Alston has 10 to 15 lawyers working full time for the practice.

Firms are also anticipating eventual federal regulation in the United States. Clifford Chance created its environmental and climatic trading group back in 2003. Washington counsel William Thomas says his energy and manufacturing clients are increasingly aware that the Securities and Exchange Commission may soon require companies to comply with climate-related disclosures. The firm is helping companies "craft appropriate communications in their financial statements and in their voluntary sustainability reports," Thomas says.

The Senate Committee on Banking, Housing and Urban Affairs, led by Sen.

Christopher Dodd, D-Conn., has held hearings on getting the SEC to require public companies to disclose the financial impact of climate regulation. In September, a number of states and investors petitioned the SEC to expand and further explain disclosure requirements related to climate change. So far, the SEC hasn't taken definitive action.

### BIG-TICKET LITIGATION

Firms are also seeing a bump in litigation based on climate change issues. Honda, for instance, is one of several automakers involved in a high-stakes fight over greenhouse gas regulation.

Of counsel Charles Haake and partner Raymond Ludwiszewski, both based in Gibson, Dunn & Crutcher's Washington office, represent the Association of International Automobile Manufacturers. Gibson Dunn is litigating a string of cases arising out of California's 2002 law restricting greenhouse gas emissions from cars. Carmakers contend the law amounts to a state-level mandate for higher fuel economy -- an area they say only the federal government is allowed to regulate.

Though Gibson Dunn does not have an explicitly labeled climate change practice, Ludwiszewski was general counsel at the Environmental Protection Agency in the early '90s and has dealt with climate issues for years.

Under the Clean Air Act, California is the only state that can seek permission from the EPA to impose state regulations on air pollution that exceed federal-level restrictions. After the Supreme Court upheld the EPA's authority in 2007 in *Massachusetts v. Environmental Protection Agency* to regulate carbon dioxide emissions, California applied for a waiver to impose a cap on carbon dioxide emitted from cars. The problem, says Ludwiszewski, is that a vehicle's gas mileage is measured by converting carbon dioxide emissions to miles per gallon. By capping carbon dioxide from cars, he says California would require that automakers increase

fuel economy standards -- exactly what he says the federal law prohibits at the state level. The California attorney general's office is handling the case for the state. California argues that if it obtains the EPA waiver, then the car emissions cap will become federal law, which cannot be preempted. Though the EPA initially denied the waiver, California hopes the denial will be overturned by a court or by a new administration.

Though California lit the initial spark, 13 other states have followed suit and imposed similar caps on car emissions. Automakers have also sued in federal courts in Rhode Island and Vermont.

Like Gibson Dunn, litigation giant Kirkland & Ellis does not have a climate change practice, but lawyers there are busy getting up to speed. Washington partners Andrew Clubok and Stuart Drake are representing the Alliance of Automobile Manufacturers, which includes Ford, Chrysler and General Motors, in the multistate litigation.

The plaintiffs bar is also on board. A number of cases have turned up citing greenhouse gas emissions as the culprit for a host of claims. Crowell & Moring is defending clients in *Comer, et al. v. Murphy Oil USA, et al.*, in which a class of Mississippi property owners blame the environmental impact of energy and chemical companies for Hurricane Katrina damage. The case was dismissed during summary judgment in Mississippi federal court, but has since been appealed to the U.S. Court of Appeals for the 5th Circuit.

Whatever the outcome of the suits, it's clear the legal battle over climate change isn't going away. In Congress, the proposed Lieberman-Warner America's Climate Security Act (.pdf) would set up a federal emissions trading system. Climate lawyers believe a version of the act will pass by the end of 2009. As U.S. companies scramble to meet the subsequent requirements, they will likely end up on the doorsteps of major law firms.

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# Career-Related Articles

## Bucking Trend, Law Firms Build Structured Finance Groups

Anthony Lin  
New York Law Journal  
April 7, 2008

Paul Roberts was one of the legal profession's first casualties of the credit market slump. Laid off from Clifford Chance in November with the rest of a six-lawyer structured finance group, he figured the darkening economic clouds would mean a prolonged period of unemployment.

"I was planning on being unemployed until April at least," said Roberts.

But instead, by February, he had a new job with a promotion and a raise. A senior associate at Clifford Chance, Roberts joined the New York office of Alston & Bird as a counsel in the Atlanta-based firm's financial services practice.

Structured finance, which includes work related to the full spectrum of mortgage-backed securities, is the acknowledged ground zero of the current credit crisis, and firms heavily focused on the area -- like Thacher Proffitt & Wood, McKee Nelson and Cadwalader, Wickersham & Taft -- have already laid off or encouraged the departures of scores of lawyers.

But while some firms are bleeding, others are building, and at least some of the lawyers affected by the downturn have bounced back with surprising speed.

Cadwalader special counsel Laura Swihart, who had hoped to make partner this year in that firm's structured finance practice, became a partner instead at the New York office of Chicago's Winston & Strawn, bringing three Cadwalader associates with her. Likewise, McKee Nelson counsels Eric Adams and Hays Ellisen joined Chicago-based Katten Muchin Rosenman as securitization partners in New York at the beginning of March.

"They're seizing the opportunity to get people they couldn't normally get," said legal recruiter Alisa Levin of search firm Greene-Levin-Snyder.

She noted that during the past few years, when bankruptcy filings were slow, some firms seized the chance to recruit experienced partners in that area. Likewise, earlier in the decade, some firms saw the mergers and acquisitions downturn as a chance to hire laterals.

In some cases, the firms are sticking to plans they made before the downturn began.

Mark McElreath, co-head of Alston & Bird's financial service's practice, said the firm decided to expand its structured finance capability a few years ago and has been looking at candidates as it found them.

One major reason firms continue to hire in the area, said McElreath, is that, even with all of its current problems, structured finance remains one of the few transactional practices where non-New York firms like Alston & Bird can compete for business.

"We're not going to go head-to-head against Simpson [Thacher & Bartlett] or Cleary [Gottlieb Steen & Hamilton] on big M&A," McElreath said. "We have to focus on more niche markets."

He said private equity and hedge funds were other areas the firm was targeting.

Firms looking to expand in structured finance have hedged their bets to an extent. The lawyers they are now bringing aboard are mostly at the level of senior associates and counsels, so they are experienced without being extremely expensive for the hiring firms.

They are also versatile. Swihart said a lot of her work at Winston at the moment was more traditional real estate finance, such as syndicated lending, rather than securitization.

"Everyone right now is doing slightly different work than they were doing a year ago," she said.

Being laid off for economic reasons did not appear to hamper his job search, but Roberts said he did feel stymied by perceptions that his group at Clifford Chance had a very limited practice. Though that group worked exclusively with securities rating agency Standard & Poor's, he noted they worked on a wide variety of structured finance transactions, of which mortgage-backed securities only accounted for a fraction.

He said he was stung by press reports

at the time of the layoffs that only talked about the group's mortgage-bond work or compared them, all senior associates, to contract attorneys performing rote tasks.

Like Swihart, Roberts said he is now focused on different types of matters. The work has "switched gears toward looking at all these provisions hidden in the documents that nobody really talked about before," he said. Many of these provisions are now at issue in financial workouts and are likely to be the focus of litigation down the road, he said.

At some point, said Swihart, securitizations will pick up pace again.

"It's still a vehicle people are going to want to use," she said. But Winston knew when she came aboard, it would be a "rough year to two years," she said.

Adams of Katten Muchin said his new firm is also willing to give the practice time.

"This isn't a short-term play," he said. "It's not like they haven't been reading the papers."