

OCS Weekly Bulletin

March 24, 2009

Upcoming Programs/Events & Career-Related Articles

What's Inside

*Upcoming Programs/
Events, Pages 1-2*

*Career-Related
Articles, Pages 2-5*

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 Programs/Events

(Please see below for more details - RSVP deadlines coming up!)

- **Dean's Roundtable Lunch with Jamie Lichtman, SLS '90 from NBC Universal**- Monday, March 30th
- **"Careers in an International Practice"** presented by Morrison & Foerster- Tuesday, March 31st
- **Goodwin Procter LLP Diversity Event for the Class of 2011**- Wednesday, April 1st
- **Cooley Godward 1L Diversity Reception: "Planning Ahead: Tips on Surviving On-Campus Interviews and A Preview of Law Firm Life"**- Friday, April 3rd

Dean's Roundtable Lunch with Jamie Lichtman, SLS '90 from NBC Universal- Monday, March 30th at 12:45pm (RSVP required)

James Lichtman (Jamie) is Senior Vice President of Litigation and Policy at NBC Universal. He is in charge of handling NBC Universal's west coast television litigation, as well as pre-litigation claims and advice on entertainment and other disputes. Jamie is a 1990 graduate of Stanford Law School, where he was an editor of the Stanford Law Review. He has been named a "Los Angeles Super Lawyer" for the last five years by Law & Politics and the publishers of *Los Angeles Magazine*.

Participation is limited to 15 students and spaces will be assigned by lottery. E-mail Lee Kite at lkite@law.stanford.edu to RSVP.

"Careers in an International Practice" presented by Morrison & Foerster- Tuesday, March 31st, 12:45-2:00pm in Room 285, Stanford Law School

Robert Townsend and Maria Chedid from Morrison & Foerster will lead an interactive and informative lunch-time discussion on "Careers in an International Practice".

Lunch will be provided. Please RSVP to paattyrecruit@mofocom by March 27th.

Upcoming Programs/Events (cont.)

Goodwin Procter LLP Diversity Event for the Class of 2011- Wednesday, April 1st at 4:00pm at the Goodwin Procter San Francisco Office

Goodwin Procter LLP invites the Class of 2011 to join them for a roundtable discussion sponsored by Goodwin Procter's Committee on Racial and Ethnic Diversity and GLBT Initiative. Students will have an opportunity to ask diverse attorneys at the firm about their experiences, and learn more about Goodwin Procter, its practice and its culture. Afterwards, there will be an opportunity to meet and network with some of their lawyers over wine and cheese.

Goodwin Procter, Three Embarcadero Center, 24th Floor, San Francisco
Attire: Business Casual

Please **RSVP** by **March 25th** to Jennifer Bateh at jbateh@goodwinprocter.com

Cooley Godward 1L Diversity Reception: "Planning Ahead: Tips on Surviving On-Campus Interviews and A Preview of Law Firm Life"- Friday, April 3rd from 4:30-6:00pm at the Cooley Godward San Francisco Office

The Diversity Committee of Cooley Godward Kronish would like to invite the 1L students at Stanford Law School for a reception entitled "Planning Ahead: Tips on Surviving On-Campus Interviews and A Preview of Law Firm Life" on Friday, April 3 from 4:30-6:00pm in their San Francisco Office. Dim Sum and beverages will be served; casual dress please.

For more details about the program and to **RSVP (by March 27)**, please go to:

http://www.cooley.com/files/uploads/DiversityReceptionSF2009/SF2009-04_reception_diversity.html

Career-Related Articles

• **How Do Firms Lay Off Lawyers? Very Carefully**..... Pages 3-4

Laid-off workers in any industry are bound to be distressed, bitter and potentially litigious -- especially when facing the current job market. But law firms have a few added reasons to proceed with caution when they part ways with attorneys and legal staffers. Law firms generally have far less experience with mass layoffs than their corporate counterparts, and attorneys are also more familiar with their legal rights. In addition, layoffs may tarnish a firm's reputation and hurt recruitment.

• **What Makes a Lawyer Great?**.....Pages 4-5

What makes a lawyer great? There might be no better people to ask than those considered "a lawyer's lawyer" -- the kind of lawyer another calls for help or would recommend to a loved one, the kind of lawyer other lawyers respect. Molly Peckman of *The Legal Intel-ligencer* asks around.

How Do Firms Lay Off Lawyers? Very Carefully

Karen Sloan

The National Law Journal

March 16, 2009

Attorney and staff layoff horror stories are a staple in the blogosphere these days.

Anonymous posters swap tales of stingy severance payments, trumped-up negative performance reviews and stealth dismissals.

Of course, laid-off workers in any industry are bound to be distressed, bitter and potentially litigious after a job loss -- especially given the tight employment market right now. But law firms have a few added reasons to proceed with caution when they part ways with attorneys and legal staffers.

For one thing, law firms generally have far less experience than their corporate counterparts when it comes to showing the door to a sizable group of people. Reductions in force -- as law firm leaders often call them -- are uncommon in the traditionally stable industry.

At the same time, attorneys are more familiar with their rights than the average laid-off worker, and they have shown an increasing willingness during the past decade to sue their former firms. In fact, employees have filed workplace lawsuits against several firms that dissolved in recent months.

Last, the legal community has a long memory. Layoffs can tarnish a firm's reputation and hurt recruitment, though experts say that stigma is fading, given that firm layoffs are now widespread. That grim reality was on display during the week of Feb. 9 to 13, when more than 1,000 attorneys and staffers were given their walking papers from at least 10 firms.

DOING IT RIGHT

Though the process of eliminating law firm jobs does not differ greatly from layoffs in other industries, experts say firms have good reason to make sure they dot every "i" and cross every "t" before cutting jobs.

"The most important thing, frankly, is planning," said Felice Ekelman, a partner at labor and employment firm Jackson Lewis. "You want to do only one layoff, and you want to do it right."

Doing it right not only means conducting layoffs in accordance with state

and federal labor laws, but it also means treating departing staff and attorneys with dignity and fairness. Such treatment goes a long way in maintaining positive relationships with former employees, and helps bolster the morale of workers who remain at the firm, said several attorneys who counsel companies on workforce reductions.

"Every one of the people law firms are laying off could become clients down the road or could become sources for referrals," said Roy S. Ginsburg, a solo practitioner in Minnesota who also provides outplacement services to law firms. "A lot of attorneys don't realize how important it is to retain a good relationship [with attorneys who have been laid off]. I don't know why. It seems pretty obvious to me."

Like employers in other industries, downsizing firms must comply with an array of state and federal labor laws, including the Worker Adjustment and Retraining Notification Act (WARN) and the Age Discrimination in Employment Act (ADEA).

Firms without a labor and employment practice are wise to hire such an attorney because WARN laws are intricate, said Gerald Hathaway, a Littler Mendelson shareholder who has counseled international law firms on layoffs at their U.S. offices. Former attorneys and staffers are suing recently dissolved firms Heller Ehrman and Thelen under WARN, which requires employers to provide 60 days' notice of a mass layoff.

One of the most effective ways law firms can protect themselves from litigation brought by a laid-off worker is to develop solid criteria for how to select those whom they let go, and to apply that criteria in a consistent manner, Ekelman said. Firms may look at seniority, practice areas, performance reviews or any number of other factors, but they should maintain documentation that supports those layoffs decisions.

"Selection criteria are very important, from a legal perspective," said Jonathan C. Wilson, a labor and employment partner at Dallas-based Haynes and Boone. "Our advice is to have a uniform criteria that is documented and followed by everyone

involved."

ASSOCIATES ARE SUING

After the layoff criteria are established, Hathaway said firms should conduct a statistical analysis to ensure there is not "disparate impact" -- meaning no one group, such as women or minorities, is affected disproportionately. Ekelman suggests to clients that they form a small review committee to analyze layoff criteria and decisions to ensure that they are applied fairly and consistently.

This is increasingly important because more attorneys than ever before are taking legal action against their former firms, Hathaway said.

"Ten years ago, associates wouldn't sue [law firms] because it hampered their employment prospects," he said. "We're seeing more of that now. It's a new phenomenon."

Indeed, Nixon Peabody; Dechert; and Skadden, Arps, Slate, Meagher & Flom are among the major firms sued in recent months by fired associates.

Beyond the legal issues, labor and employment attorneys encourage their clients to consider the human element of downsizing.

For example, layoffs are likely to hit associates -- who, along with staffers, have been bearing the brunt of job cuts -- especially hard.

"This is tough for associates, because it could be their first real failure in life," said Ginsburg, who provides outplacement assistance to laid-off attorneys. "A lot of them went to top colleges and landed good jobs, and this is the first real setback."

Associates may also feel a little panicky at the idea of no job and looming law school debt, Hathaway noted.

Of course, telling associates or staffers that they are being let go is an unenviable task, but the experts say there are several rules to making that conversation as straightforward and respectful as possible.

Managers should explain to the worker why they are being let go, without delving into too many specifics. Departing employees should be given all the information they will need in the short

How Do Firms Lay Off Lawyers? Very Carefully

Continued from page 3

term, such as when they are expected to leave, the basics of their severance package and how long they will have access to their firm's e-mail and computers. Most importantly, laid-off workers should leave their layoff meeting with a point of contact at the firm who can answer any additional questions.

NO 'ONE SIZE FITS ALL'

Whether firms should allow associates to work for several more months while they look for a new job or have them leave the office immediately depends on the circumstances and the culture of the firm, the labor and employment lawyers said.

"What makes this a challenge is that there is no 'one size fits all,'" Ekelman said.

Another issue is length of severance. While WARN requires most employers to provide 60 days of pay and benefits, firms may opt to compensate laid-off workers

for a longer period of time.

"I think firms should go beyond what the WARN act requires," Ginsburg said. "It's going to take a long time to find a new job, especially in this market."

Some firms take the added step of providing outplacement services for the associates and staffers they lay off, which several labor and employment attorneys said is a good idea. Associates who landed at law firms through the traditional law school-aided process have never had to find a job on their own, Ginsburg noted.

"If you don't have people skills and you don't know how to network, you're going to have a tough time finding a new job," he said.

The role of outplacement counselors is not to find laid-off workers a new job. Rather, it's to offer support to workers and help them develop a strategy for finding their next job. Initially, that can mean being something of a counselor -- helping laid-off workers come to terms with their

situation. Outplacement services may also involve helping those workers explore careers outside of law.

One of the final steps in carrying out an effective layoff is delivering the message to those who are still at the firm. That conversation should happen only after the all the laid-off workers have been informed. Ekelman said firms should be careful not to promise there won't be more cuts in the future. At the same time, firm leaders should reassure remaining workers that layoffs don't mean the ship is sinking.

"The people who stay need to be assured that there are still opportunities for growth," Wilson said.

What Makes a Lawyer Great?

Molly Peckman

The Legal Intelligencer

March 20, 2009

Back in February, *The Philadelphia Inquirer* contained a supplement, "Philadelphia's Best Lawyers 2009," a local directory from Best Lawyers in America. I am usually suspect of such lawyer listings packaged with glossy photos, and have heard the complaints that the same faces are always included and the results are driven by public relations campaigns.

Best Lawyers explained that lawyers "are not able to buy their way into this guide" but rather, must earn a spot from peers in their practice areas. Lawyers are "urged to use only their highest standards" when voting and asked to use this guideline: "If you had a close friend or relative who needed a real estate lawyer (for example), and you could not handle the case yourself, to whom would you refer them?"

I call that standard "a lawyers' lawyer" -- the kind of lawyer another calls for help or would recommend to a loved one, the kind of lawyer other lawyers respect.

I decided to reach out to a handful of Philly lawyers' lawyers and ask them for their advice. Since I had a limited amount

of space for this column, I couldn't contact all of them and instead, e-mailed those who I thought would recognize my name and not think I was spamming them. I asked them to tell me, "What makes a lawyer great?"

Below are the replies, with several consistent themes from Philly's lawyers' lawyers.

Barry Abelson, a deal lawyers' lawyer and one of the cornerstones of Pepper Hamilton's commercial department, was one of the first to reply. "Never take your knowledge base and experience for granted -- constantly enhance and refine each. Never take your clients for granted -- constantly keep them top of mind, and focus on adding value as they, not you, define it. Never take your colleagues for granted -- none of us can do this alone and it wouldn't be half as much fun if we could." Best Lawyers named Abelson one of the individual "Lawyers of the Year," based on his "particularly high level of peer recognition."

Each of those who replied have a high

level of peer recognition, including Mark Aronchick, named shareholder and one of the leading litigators at Hangley Aronchick Segal & Pudlin. Aronchick counseled: "Great lawyers are people who know how to keep everything that is important about life in a proper balance. Never forget, and always expand upon, the passions you had before you became a lawyer. Be curious, always. Work wholeheartedly and with all of your energy on whatever it is that is in front of you because good things always will follow. Take risks. Listen well." Aronchick led the Philadelphia Bar Association as its chancellor in 1988.

Another former bar chancellor and nationally known litigator is appellate and civil rights lawyer Andre; Denis, a partner at Stradley Ronon Stevens & Young. Denis said lawyers need to "remember that your client is there for your advice and judgment. Pay attention to every detail, and don't always rely on your initial analysis -- challenge yourself." He reminded lawyers to "act vigorously, but treat your adversary with civility."

What Makes a Lawyer Great?

Continued from page 4

I heard from yet another former bar association chancellor, Francis P. Devine III, who co-chairs Pepper Hamilton's litigation department. Devine is not just a lawyers' lawyer, but a "leaders' leader," having presided over just about every legal organization he ever joined. Devine advised: "The best lawyers recognize, and never forget, that their eyes and ears are much more important faculties than their mouth. Observe more, listen better, talk less." This is not the first time he has counseled me to keep my mouth shut.

The company you keep is also important, according to Thomas R. Kline, who tops almost every list of lawyers and not just local ones. Kline garnered yet another cover with this year's Best Lawyers supplement, which heralded him as "Philadelphia's Personal Injury Litigator of the Year."

Kline counseled, "To become a great lawyer you should surround yourself with great lawyers." He explained: "I was fortunate to be a law clerk for an icon justice, the late Tom Pomeroy; had a mentor, the legendary Jim Beasley; and then a great lawyer as a law partner, Shanin Specter. And, if possible, add the grounding of a wonderful family or people who love you. The better those around you are, the better lawyer you'll be." Who wouldn't want to hang out with that guy?

Another lawyer who often appears on great lawyers lists is Roberta Liebenberg, noted by The Legal Intelligencer affiliate The National Law Journal as one of the "50 Most Influential Women Lawyers in America." Liebenberg, a litigator and partner from Fine Kaplan & Black, recommended: "Identify a niche that you find interesting and become as knowledgeable and visible as possible. Affirmatively seek out partners and assignments in that particular area, and write articles and speak about it so you will get noticed and develop a book of business."

S. Gerald Litvin is someone who found such a niche. Litvin, a dean of the plaintiffs bar, now spends his time as senior counsel, training and consulting with Morgan Lewis & Bockius' lawyers. He responded: "If a lawyer diligently applies him or herself to the client's legitimate interests and eschews intellectual arrogance -- i.e., never treats any matter

routinely but, instead, gives each situation the total respect and fresh attention it deserves -- reputation and success will take care of themselves. Of course, a little luck wouldn't hurt!" I first became a fan of Litvin when he was my trial advocacy instructor at Temple Law and still call him "professor."

The former bar association chancellors were willing with words of wisdom and several even offered to take over my entire column for me -- and not just for this month! I asked former Chancellor David H. Marion to guest write my column about eight years ago and he produced "Five Steps to Happiness" (and still welcomes calls for copies).

Here is the latest from Marion, a veteran litigator and former chairman of Montgomery McCracken Walker & Rhoads: "Organize your time and prioritize your activities; prepare carefully and thoroughly for every appearance and meeting; adopt an attitude of cheerfulness, optimism, flexibility and confidence without arrogance."

No one could ever accuse Gerald A. McHugh of arrogance. A partner at Raynes McCarty, McHugh is another perennial on the best lawyer lists and is known as much for his charitable work as he is for being a "trial lawyers' lawyer." He advised, "A relentless dedication to the craft of lawyering is essential. There is a reason we call it the 'practice' of law."

Also on the former chancellor hit parade were these lessons from Abraham C. Reich, co-chairman of Fox Rothschild. "The best lawyers I know work hard, show respect to their opponents, concede points that should be conceded, and do not take themselves too seriously," Reich wrote. He added, "While confidence is key, a healthy dose of modesty goes a long way to achieving the necessary balance for professional excellence."

And speaking of professional excellence, I was particularly delighted to hear from Jerome J. Shestack, former president of the American Bar Association, a leader in the international human rights movement and counsel at Wolf Block. Shestack is a legendary lawyer and I love to listen to and read his words. He kept it simple, but caught me completely with, "Immerse yourself in the law with all the passion of

a first love and make it enduring."

Dennis R. Suplee, who garnered the Best Lawyers' "2009 Philadelphia Lawyer of the Year for Bet-the-Company Litigation," noted the commitment needed. "You have to care enough to allow the case to take over your life," he said. "And then, when that case ends, you have to allow the next one to do the same." Suplee, a partner and former chairman of Schnader Harrison Segal & Lewis, taught many of us to take depositions with his books and courses.

One great lawyer hand delivered his advice to me, although he only had to walk down the hall. Joseph A. Tate, a partner at Dechert, is known nationally as a leading lawyer for antitrust and commercial litigation. Tate advised that to be the best you can be in all that you do, you need to "listen, think and be truthful."

Tate explained, "Listen with your ears, eyes and all of your senses, to the words said, to the speaker's body language, to what is not said, and to your inner self."

He continued: "Think about what your senses heard and saw. Evaluate and analyze before you speak and formulate a seasoned and measured response. Don't just speak because you want to hear yourself or say what you think the listener wants to hear. Be true to yourself (and your audience) by relying on your education, experience, your common sense and your inner self. If you build a reputation for truth, reliability and credibility and act accordingly, you will be all that you can be."

In addition to Kline, Abelson and Suplee, the Best Lawyers supplement also singled out Cheryl Young and proclaimed her the best family lawyer in town. Young, another partner at Hanglely Aronchick, shared: "I believe the best lawyers are those who truly have a passion for what they do. This is still a profession, and not merely a job. Enthusiasm, caring and true investment in what we do is reflected in the outcome of our cases, in the respect of our colleagues and in appreciation from our clients."

Although there are thousands of other lawyers in this city who are great, I think those who offered their advice are very special indeed. They are lawyers' lawyers, and I hope you find their advice as inspirational as I do.