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Questions for Market Expert

Private Sector Market Overview

1. *How would you describe the current state of the legal market in Boston?*

- I would describe the market as solid with pockets of intense activity. Firms are still haunted by the over hiring sins of glory days before the crash of 2008 and are interested in running leanly and efficiently – but, they are very willing to staff-up groups with active practices. I would even say that in practice areas like corporate, the sins of over-firing and under-hiring have left some firms **desperate** to hire corporate associates.
- Firms are still careful and are only willing to add to busy practices groups when there are hours to be billed, and I am not seeing firm add associates simply to stock up bodies on the hope that more work is on the horizon. This is especially true in litigation and other non-transactional practices.
- At the law student level, the hiring environment remains fiercely competitive and students need to bring their “A” game to each and every interview.

2. *Are there any trends within the private sector that students should know about (for. e.g. companies hiring straight out of law school, disappearance of certain types of work, preference for students from regional law schools, smaller summer programs, increase in contract attorneys or law firms outsourcing certain types of work, etc.)?*

- No, I think the basic parameters haven’t changed in the 18 years that I have been in recruiting. Elite law firms still rely on their summer programs to generate an appropriate sized first year class.
- That process of predicting class size 2 years out is difficult and when the economy swings hot or cold there are sometimes wild swings in hiring. But, for the most part, the best chance to leave an elite law school with a private sector job is still large firm hiring.

- Non-law firm hiring for companies will also look for more experienced attorneys.
- And, despite company's outsourcing some licensing and IP legal work to boutiques, major Boston clients still rely on large firms for their day to day legal needs – especially on the corporate side.
- I am sure we will discuss this later in the podcast, but Boston is a hotbed for tech and biotech companies and the seed money both on the private equity side and public equity side that fuels them. These clients need sophisticated law firms to do that work and sophisticated law firms need great associates to do the deals those clients require – and the search for those associates goes well beyond the local law schools that are here.

3. *Apart from the regular lateral movement among firms, has there been any significant attorney movement to or from firms which attend our EIP that students should know about?*

- No major collapses in 2015. Edwards Wildman continued to merge itself into new formulations and is now Locke Lord. That merger caused many partners to defect to other firms, but the office is committed to surviving.
- Wilson Sonsini opened a Boston office is has big plans to expand from the initial 3 partners that started the office. Wilson Sonsini is a 700 person firm with 15 offices around the world. They will be on the hunt for a group of corporate or IP partners to join.
- Polsinelli also opened here. They are an AM Law 100 firm with more than 775 attorneys in 19 offices. Thus far, office is only IP based, but should diversify.
- Sidley has similar plans to grow from its 12 person office that for the moment focuses only on Broker/Dealer work.

4. *Are there any changes in terms of the client profile for leading firms in Boston?*

- Boston will always be an incubator for tech and biotech companies ranging from early stage start-ups to emerging companies to larger public companies.
- A key component to that kind of technology fueled company practice is finding seed money to fund them. So, Boston is always hotbed for venture capital companies and private equity companies that pool money and invest in these local tech and biotech companies.
- There are certainly ebbs and flows in the activity level for local clients -- but the types of clients remain the same, so there are rarely changes, and there have not been any significant developments in the client base over the past

year. A single tweet from Hillary Clinton managed to savage the biotech sector for the past 6 months, so be on the lookout for the Presidential Election. Candidates that vow to regulate the drug sector will negatively affect the biotech sector in Boston. This would impact corporate hiring to the downside, but could boost litigation and regulatory groups.

5. *Can you tell us which firms are the most selective?*

- I think the big three in Boston are still Ropes; Wilmer; and Goodwin. As a result, they are the most sought after and have the luxury to be the most selective.
- One other firm demonstrating a high level selectivity is Latham. That newer office in Boston has a particular student in mind for its corporate and white collar litigation practices and adheres to a stricter grade curve in hiring.
- Lastly, it is too soon to tell if Morgan Lewis will be in this elite group. Bingham was when it was alive and well, and Morgan Lewis essentially swallowed that entire Boston office – so it is logical to assume that Morgan Lewis will hire based on a more selective profile.

6. *Can you tell us what other firms might appeal to our students (leading boutique practices, etc.)?*

- I divide the rest of the firms into two groups:
 - First group are bigger platform national firms with a sizable Boston presence like Cooley, Proskauer, Jones Day, Morgan Lewis, Skadden, Weil, H&K, DLA, Foley & Lardner, K&L Gates, and Nixon Peabody.
 - Second group are firms that might have other offices but are still thought of as “Boston” firms and as a result are smaller with a more local flavor to their practices – Mintz, Choate, Nutter, S&W, Foley Hoag, Brown Rudnick and Goulston & Storrs.

7. *Can you highlight other firms that have a significant presence in Boston?*

- A small handful of firms that are satellites in Boston and might not be as obvious to students but are still worth a look are Gunderson; Day Pitney; MW&E; Dechert; Pepper Hamilton; Robinson & Cole; and McCarter English.
- There are also several national firms that have a presence in Boston that I would NOT describe as significant, but are worth noting. That list includes: LeClair Ryan; Fragomen; Robins Kaplan; Dentons; Eckert Seamans; Saul Ewing; White and Williams; Wilson Elser; Olgletree Deakins; Lewis Brisbois; Gordon & Rees; Duane Morris; Hinshaw Culbertson; and Littler Mendelson.

8. *What are some effective ways for students who are interested in Boston firms to distinguish themselves?*

- The most important thing students can do is demonstrate that they understand the market. Know that Boston is a hot bed for tech/biotech and venture capital investment. *And, that work tends to translate into corporate hiring, so I always tell IL's – even the ones that are sure they want to be litigators – to at least mention corporate as a possible area of interest to keep the door cracked open.* Foreclosing corporate as an option means competing for a much smaller pool of potential offers.

9. *Where do most associates leaving firms in Boston go?*

- One great advantage to this market is the prevalence of early stage tech and biotech companies. As those companies grow they tend to hire 1-4 lawyers with vary degrees of experience. So, associates in Boston usually have multiple chances to leave law firm life for in-house opportunities.

Practice Areas Questions

10. *What are the most common practice areas within firms in Boston?*

- Boston will always be an incubator for tech and biotech companies ranging from early stage start-ups to emerging companies to larger public companies. A key component to that kind of technology company practice is finding seed money to fund them. So, Boston is always hotbed for venture capital companies and private equity companies that pool money and invest in these local tech and biotech companies.
 - Corporate groups in Boston are busy and associates are working long hours and firms need more folks to level out this supply and demand imbalance.
 - Areas of intense activity include the facets of corporate practice that are based on the local client base. They include – fund formation, VC/Hedge Fund/Capital Markets financing and investment in emerging companies (both tech and life sciences), private equity driven M&A and buyout work, and public company work also known as securities compliance.
 - The other area that is always hot in Boston due to the technical nature of the client base is patent prosecution and patent litigation work. But, that work is available usually to folks with advanced since degrees.

11. *In which practice areas have you seen less activity?*

- Sure, litigation is an area that is steady and stable and I am sure is fairly busy at all major firms. Particularly, white collar/government investigations/securities related litigation. However, from a purely staffing standpoint, firms in Boston are

looking for fewer lateral associates for these groups. That isn't a perfect indicator for the demand for 2L's, but as a general rule of thumb – Boston firms are usually looking for more associates interested in corporate than litigation. Why? Because there is more corporate work in this market. So, even when litigation is hot, it never seems to translate into increased hiring like I see on the transactional side. But, again, I am answering this question from a lateral hiring standpoint. It might be that firms are more likely to hold on to litigation associates because they have less opportunity to leave as in-house attorneys. So, there are fewer spikes and dips in hiring for litigation than corporate.

12. *Are there any practice areas that are less available than others in Boston?*

- Yes, the three E's – energy, environmental, entertainment are never really big here. I have seen a little more environmental and energy work as those practice have morphed into tax credits, carbon offsets, in other words more intangible parts to businesses and business compliance, but in general that work is still stronger in other markets. Also, project finance and international are also more suited for NY and DC than Boston.

13. *Are there some practice areas which associates shy away from but which students should seriously consider if they want to be in Boston?*

- There are a couple of subsets of corporate that their mere mention of at certain firms can be a plus. Firms like Proskauer and Cooley and Goodwin are also on the hunt for fund formation lawyers. (Just mentioned fund formation at Proskauer-Boston can put you at the top of the pile).
- Also most major firms do a lot of licensing and tech transfer work. Some of that work requires a technical background, but not always. Sometimes just an interest in licensing work can put an associate on a career path to specialize in it. So, if a student has an interest in how biotech companies and tech companies license out their IP to generate revenue, it is worth a mention.

Working in Boston

14. *What resources do you suggest students consult if they are not from Boston but considering practicing there?*

- The nice thing about Boston based corporate work is that lawyers have a chance to participate in the full lifecycle of a business. Entrepreneurs start with a dream and look to put that dream into practice with a start-up company. Those dreams require funding.
- Venture capital companies here pool money with an eye toward investing it locally. If that startup company gets big enough they will be attractive to bigger private equity shops for investment or acquisition. If they get to the point when they are attractive enough to investors, they will go public.

- So, I think once great way to appreciate the practice here is to appreciate the clients and their vision. Facebook is a great case study. Even a comedy like HBO's Silicon Valley provides a sense of what the clients are doing to generate legal work in the tech space. I think if students can understand the mindset of the client base, they will have a handle on what it is like to practice here.
- On the life science side, simply googling – biotech IPO's in MA in 2015 (although there were a lot less than 2014) will show students how many of these small and early stage biotech's are so exciting and promising that law firms have been able to ride them all the way to being public companies.

15. What organizations should students consider joining while in law school if they are planning to practice in Boston?

- I can't think of any. It is more important that students demonstrate a commitment to the area and a commitment to the kind of work that is here.

16. Any other general advice for students wanting to summer and then practice in Boston?

- **** Yes, I touched on it a second ago. Students need to prove to Boston firms that they want to be here for the long haul. Students sometimes take that the wrong way. It is not that Boston shuns outsiders; Boston firms like firms in any city want a return on their investment. If a firm is going to devote resources to recruit and then train students and young lawyers, the firm wants to know that you are in it for the long haul so by the time a student is a practicing lawyer with billable skills --- they are still around. So, I would advise student to use any geographical or historical ties to demonstrate that you will be here for the future.
- *****HOWEVER, if you do not have obvious ties, do not panic because I have an easy way to demonstrate the commitment to Boston. Obviously, you can point out an affinity for the region because you simply like it here and explain why, but THE BEST THING a student can do is to make your attraction to this Boston be about the type of law practice that is here. In other words, if you want to practice in a hot bed of emerging tech and biotech company's there are really only two markets to consider – Boston or Silicon Valley and student should just say that between those two markets, Boston is the better market for you. Not only does it answer the geographical fear that firms might have about a candidate with no obvious roots, but will demonstrate that a student grasps the kind of legal work that is here -- hopefully making the student a more attractive hire.