

DIVERSITY IN ACTION

Hit Hard

Coping when **jobs** and **budgets** are **slammed** by the bad economy

BY KATHERINE FRINK-HAMLETT



PHOTOGRAPH BY RICK KOPSTEIN

I am an administrator at a New York area law school and never in my career have I witnessed the extraordinary numbers of alumni returning to school seeking career assistance as a result of actual or pending job loss. My colleagues at other law schools have similar observations and it appears that the situation is worsening as the days go by. Apparently, the failing economy has hammered both large law firms and corporate law departments, causing major anxiety and distress among formerly and still-employed attorneys.

While we try to remain optimistic when dealing with our alumni, it's painfully difficult to put on a straight face when even our 2Ls are struggling to get call backs as summer associate classes dwindle in size or disappear altogether. Our alumni of color in particular seem to be gravely affected by this crisis.

As a former practicing attorney I really feel for the alumni who are facing dim career prospects. Are there any legitimate alternatives for them?

Reposition to a mid-sized or small law firm. Make no mistake,

whether the Dow Jones Industrial Average is skyrocketing or on the brink of collapse, such firms have consistently presented attorneys from varying disciplines, and of differing backgrounds, with excellent, rewarding and sustainable lateral opportunities.

With the financial sector struggling to reinvent itself, those law firms that serviced the once lucrative and oh-so-alluring mortgage-backed securities deals and other speculative transactions are now gasping for breath, waiting to exhale and in one or two unfortunate cases, expiring altogether. And for the moment, some of these firms simply are not ideal prospects for viable employment opportunities.

Of course, hiring activities will resume but for now, the waters remain stagnant. And yes, many attorneys of color may be feeling extra angst because of historically low numbers and the foreboding sense that what's bad news for all is worse for us. In all fairness, however, this particular financial disaster is virtually color blind: No one race or

ethnicity will escape unscathed.

But here's what you need to know: Mid-sized and small law firms are not only attractive for lateral opportunities; they also are excellent first stops in the private sector.

Just ask **Tracee E. Davis, of Zeichner Ellman & Krause**, who is all aglow as a recently elevated counsel of the firm (congratulations, Tracee!). Before joining **Zeichner Ellman**, Tracee was the principal court attorney to State Supreme Court Justice Charles Edward Ramos in the Commercial Division. In that capacity, she had the opportunity to work on numerous complex commercial cases and also was able to observe first hand the litigation styles of many practitioners from several firms (including her current one), ranging from the itty bitsy to the mega-giants.

Over the course of five years of such observation, Tracee concluded that she was attracted to robust, smaller firms, one of which was **Zeichner Ellman & Krause**. She interviewed with the partners and was not only impressed with the

Continued on other side

caliber of attorneys she met, but also with the exceptional quality of the firm's client matters.

Like other attorneys who have selected the small-firm path, Tracee has been sold ever since and considers her decision a good one. The hands-on nature of her experience reigns paramount among several pros she cited as particularly meaningful to her career development.

Similar to large law firms, the bulk of her legal training was on-the-job, requiring her to learn and grow along the way. But, because of the firm's size combined with the complex nature of its litigation matters, ranging from class actions to the representation of large financial clients, Tracee's practice experience is exceptionally deep and includes arguing motions, taking depositions and other coveted litigation functions. So, for those practitioners yearning to get into the frying pan sooner rather than later, small and mid-sized firms typically provide substantive opportunities earlier on in your career.

And don't get confused: Smaller firms do not equate to smaller matters or compromised training. Several of these firms service choice clients, including Fortune 500 corporations, and provide ample opportunities to work on superior (repeat, superior) matters. From a qualitative prospective, keep in mind that it is not uncommon for the founders of smaller to mid-sized firms to be the protégés of large multi-national behemoths.

Another feature that may be particularly attractive to senior associates at large firms is the greater flexibility that exists with respect to

business development activities, since boutiques and mid-sized firms can prosper on smaller books of business. (I said "smaller," not small.) So, certain potential clients that may be less than appetizing to a large firm with greater operational costs may be quite enticing to a small or mid-sized firm. Particularly in a stagnating economy, a mid-sized or small shop will most likely be more attracted to a lateral hire with a viable book of business or a proven ability to bring in business.

Hey, it's not all roses out there and even the smaller and mid-sized organizations are proceeding with optimistic caution. And, as Tracee reminds us, such places are not for every practitioner.

If you thrive on the allure of the "Top 100" law firms, then the smaller ones may not be for you. And that's perfectly fine. However, if you think that you may be interested, then Google a few prospects to determine what they may offer. Tracee also recommends a review of Lexis to get a sense of the types of matters handled by the firm and the complexity of its work. Yes, size does matter, but sometimes, smaller is preferred.

Due to the ailing economy, all departmental budgets of our firm, including diversity, are required to make substantial cuts. I have played an integral role in formulating our firm's diversity activities and, as such, am deeply concerned that the reductions will severely undermine our diversity efforts. I would like to recommend to our Executive committee that our budget be left intact or that minimal cuts be made. Any suggestions?

You may have an uphill battle.

First, I would note that the cuts are being made on a firmwide basis so it's not as if diversity is being unfairly targeted.

But also, you must remember that diversity has to be about the business, especially now, so that unless you can demonstrate that your "diversity activities" have a direct or indirect impact on the firm's bottom line, any appeal to maintain the budget is an untenable position.

In order to achieve your goal and preserve your diversity efforts, you must be prepared to make a presentation that not only addresses the firm's diversity image but, as importantly, demonstrates the long-term impact on the firm's diversity numbers and bottom line.

For example, if monies are being siphoned from a viable pipeline initiative, then your position is bolstered. Or, if expanded on-campus recruiting at law schools with significant numbers of students of color is being curtailed, then again, your position is completely justified.

But if all that you can show is that you're seeking dollars for elaborate diversity events featuring pretty people in pretty places, with pretty smiles upon their faces, then you are on shaky ground. Sure, these functions can yield tremendous good will, but, dollar for dollar, they may not be a top priority, particularly in this tenuous economy.

Remember, diversity dollars must make business cents (couldn't resist). •

Katherine Frink-Hamlett, a graduate of New York University School of Law, is president of Frink-Hamlett Legal Solutions, Inc. and can be reached at Katherine@frinkhamlett.com.