

Young Lawyers Division Member Service Project
101 Practice Series

How to Transition Between Government and Private Practice
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Young lawyers frequently move between government and private practice positions. The advent of significant white collar and business crimes prosecutions has made these transitions even more common. Today, private practice attorneys in numerous areas, such as criminal law, commercial and corporate litigation, securities law, environmental, antitrust, and others, often transition to government positions for several years and then return to private practice. Moreover, many young attorneys begin their careers in various government positions, such as the United States Department of Justice, the United States Department of Labor, and the United States Securities and Exchange Commission, as well as state and local government positions, such as District Attorneys' offices, and then seek positions in private practice, as a way of building upon and expanding their skills.

These transitions prove beneficial for many. However, such changes should be carefully considered and evaluated, as there are significant differences between private practice and government positions. Following are several key issues to consider before undertaking these transitions:

- **Experience.** Young attorneys generally obtain significant hands-on experience in government positions. Experiences such as representing parties in criminal or civil litigation matters or enforcement proceedings, court appearances, drafting and arguing motions and briefs, taking and defending depositions, and trying cases, are valuable when returning to private practice. These experiences afford young lawyers substantial knowledge of the workings and intricacies of the legal system. In addition, government practice allows young attorneys to develop meaningful relationships with both government and private practice lawyers, which can be a great asset when transitioning to private practice and developing a base of clients. Importantly, government positions often involve “on the job” learning, and young government attorneys frequently find themselves “thrown in” to situations without much supervision. However, these experiences can result in the rapid acquisition of skills, which will later be very valuable.

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- **Money.** Generally, government positions, particularly at the state and local level, pay less than large firm private practice positions. Young lawyers who transition from private practice positions to positions in government often find it necessary to adjust their standard of living accordingly. Moreover, in government positions, annual salary increases are often only a few percentage points. Thus, there may be little disparity between young lawyers' and more senior attorneys' salaries, in the government sector. However, young government lawyers who transition to in-house or private practice positions often receive significant compensation and bonuses, because of their significant prior government experience.
- **Lifestyle.** Government positions often appear more "family friendly" than private practice positions, particularly when compared to large firms, because of the lack of billable hour requirements. Government positions are also seen as allowing for more flexibility in work schedules than in private practice. Both are true – to an extent. However, as discussed above, many young lawyers often find themselves thrown into cases, many of which involve complex issues and significant pressure, as in the private sector. These cases can be extremely time- and labor-intensive. Moreover, government attorneys often get trial experience, and government trials, like those in private practice, are generally intense and time-consuming. Life as a legislative attorney, for example, either in Congress or in state and local governments is very fast paced, especially when the legislative body is in session. During session, legislative attorneys may work long hours that exceed those of an average private attorney; however, days are much shorter when Congress is no longer in session.

The following are worth considering while pursuing employment in the government sector. These highlight the importance of networking and maintaining marketability.

- **Job-Hunting.** Finding the "right" position in government can be challenging. Legal recruiters, or "headhunters," do not generally recruit for government positions. Instead, aspiring government attorneys will generally find the necessary resources, such as job postings, on individual government entities' websites. Importantly, attorney job openings are often a function of budgetary concerns, and these positions often arise in "spurts" rather than in an on-going manner, as in some private practice law firms. Many government entities, particularly at the federal level, utilize entry level programs for recent law school graduates. The United States Department of Justice Honors Program is an example. Young lawyers who are looking to work as legislative counsel (especially on the Hill) may find that they have to take a lower-level position in order to get their foot into the door. This is true even if the young lawyer has a year or two of private practice experience. They will find that once on the Hill, they will be able to move up to a higher position relatively quickly - after a year or so in the lower-level position.

- **Networking.** This is one of the best ways to get a position in government. Talking with friends and classmates in government positions can be a great way to learn about individual job offerings. Friends in the government sector will likely know many people in their individual agencies and in other entities, and they may be able to foster an introduction to those with hiring authority. Outside the government sector, friends or colleagues in bar associations and in other law firms can serve as valuable sources of information concerning particular government entities, the availability of openings, and preparation for interviews. Those who have practiced in government can also provide information concerning the length of time it takes to get hired, background information on interviewers, and issues facing particular government entities that may be important in evaluating a given position. For example, U.S. Capitol Hill jobs are in high demand and there are many others with advanced degrees also seeking Hill jobs. Networking is key to landing a job on the Hill. Many Hill staffers find their jobs through this method.
- **Maintain your marketability.** Some government positions de-emphasize networking and bar association involvement, unlike in the private sector. This is based on the notion that there is no need for client development in the government sector. However, as discussed above, many government attorneys eventually return to private practice, even those with previous private practice experience. Thus, it can be important for young attorneys in government to continue their networking efforts and bar association involvement. Similarly, remaining in contact with professors, mentors, and colleagues can be extremely valuable. Bar association involvement, in particular, is a great opportunity for young attorneys to expand their circle of professional contacts. Likewise, writing articles, giving speeches and presentations, and doing pro bono work add meaningfully to attorneys' collective experience. The foregoing will help young attorneys maintain marketability, and these experiences can demonstrate to law firms that potential job candidates will be able to generate new business.
- **Be wary of staying too long.** Promotions are sometimes rare in certain government positions. Upward movement within a particular agency or division can sometimes depend on a supervisor's departing his or her position. In those situations, staying in one position for too long can negatively impact a young attorney's career. For example, future prospective employers may question why an attorney was not promoted or may question an attorney's individual motivation. Moreover, because private practice depends upon finding clients and bringing in business, firms are particularly interested in determining whether young attorneys can attract clients. This is less of a concern the longer an attorney remains in private practice. Thus, it may be important for young attorneys to determine the average time individual lawyers stay in particular government positions, in order to remain abreast of developments in the private sector and to main marketability.

Transitioning from private practice to government, or vice versa, requires time, patience and a certain degree of self-evaluation about one's career objectives and goals. The above considerations should serve as a starting point in conducting that evaluation.