MOVING FORWARD AFTER A JOB LOSS

Presented by the
American Bar Association
ABA Career Center and
Center for Professional Development
CDs, DVDs, ONLINE COURSES, DOWNLOADS, and COURSE MATERIALS
ABA self-study products are offered in a variety of formats.
Find our full range of options at www.ShopABA.org

Discuss This Course Online
Visit http://www.americanbar.org/groups/cle/course_content/cle_discussion_boards.html
to access the discussion board for this program.
Discussion boards are organized by the date of the original program,
which you can locate on the preceding page of these materials.

The materials contained herein represent the opinions of the authors and editors and should not be construed to be the action of the American Bar Association ABA Career Center or Center for Professional Development unless adopted pursuant to the bylaws of the Association.

Nothing contained in this book is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. This book and any forms and agreements herein are intended for educational and informational purposes only.

© 2015 American Bar Association. All rights reserved.

This publication accompanies the audio program entitled “Moving Forward After a Job Loss” broadcast on March 13, 2015 (event code: CE1503CAS).
TABLE OF CONTENTS

1. Presentation Slides

2. How to Survive Those “Pink Slip Blues”
   Carol M. Kanarek
Moving Forward After A Job Loss

March 13, 2015 | 1:00 pm Eastern

Moderator Bio

Kathy Morris is the moderator of the American Bar Association’s monthly Career Advice Series. A former criminal defense attorney, she has taught law, pioneered professional development initiatives in law firms, and in 2000, launched the original Career Resource Center of the ABA. She counsels law students, lawyers, law schools, and law firms through her longstanding practice Under Advisement, Ltd., www.underadvisement.com.

She received her JD from Northeastern in Boston in 1975 and her BA in 1971 from the University of Michigan.
Visit the ABA Career Center Website to:

- **Search and apply** for more than 450 high-quality legal jobs nationwide
- **Upload your resume** for review by hundreds of potential employers
- **Receive email alerts** when new jobs are posted that meet your search criteria
- **Or post a job** if you have an open position to fill

www.ambar.org/careers

---

**Faculty Bios**

**Carol Kanarek** has provided career related services to lawyers, law students, and law firms for over 20 years. A past Chair of the ABA Young Lawyers Division Career Issues Committee, she conceived of and edited the first edition of *Changing Jobs: A Handbook for Lawyers*. Carol is a widely published author and frequent speaker at bar associations in NY and nationally and at NALP. She has a JD from the University of Michigan Law School and an MSW from NYU.

**Mark Weber** has more than 20 years of experience counseling and advising students and attorneys about their careers. Before becoming the Assistant Dean for Career Services at Harvard Law School in 2000, he held that role at the University of Illinois College of Law, his alma mater. Mark is an active member of NALP, and has held numerous leadership positions within the organization including serving on the Board of Directors, the Long Range Strategic Planning Committee, and Chairing the Nominating Committee.
Program Agenda

• Top Issues
• Tips on the Topic
• Participant Questions
• Agree/Disagree
• More Participant Questions
• Takeaways
• ABA Resources

Top Issues

• How a job search after a job loss differs
• What *not* to do and say during your search
• How to strengthen your search and stay on course
Tips on the Topic

• Be strategic
• Have talking points that help you stay on message
• Try not to take the job loss personally
• Treat the situation as the opportunity it is

Audience Questions?

?      ?

?      ?

?      ?      ?      ?
Agree/Disagree

Networking can be a waste of time after a job loss.

Agree/Disagree

An interview is not a confessional.
Takeaways

• You can’t move forward if you’re in denial about the past
• Try to manage your moods and expectations
• Losing a job can be a career advantage
• No matter what, you haven’t wasted your career
Visit www.ambar.org/advice to register for our next Free Career Advice Series Program:

How to Be a Super Supervisor

Friday, May 8, 2015
1:00 to 2:00 PM ET
How to Survive Those “Pink Slip Blues”
By Carol M. Kanarek

You’ve just gotten word that you’re being laid off—an all too common occurrence in the volatile world of legal employment. So what do you do now?

First, don’t panic. Many lawyers inadvertently do major damage to their job prospects by being too reactive in the immediate aftermath of a layoff. One of the most common errors is contacting headhunters immediately, an action you should take only after you have done some market assessment and established an overall strategy for your job search. Another frequent mistake is venting anger and frustration at your current employer. You will have much greater negotiating power if you calmly assess the situation and respond with a reasonable proposal. In order to do these two things effectively, you should consult with two professionals: an employment lawyer and a career counselor who has substantial experience working with lawyers.

Most companies and many law firms now require each departing professional staff person to sign a severance agreement, in which the person who is being laid off waives his or her rights to sue the company or firm, in exchange for receiving severance pay and other benefits (e.g. insurance continuation, outplacement services). Evaluating such an agreement at an emotional time can be difficult. Unless you are certain that the severance package you are being offered is reasonable for someone of your experience and tenure with the firm or company, and that you do not have a basis for claiming your termination was unlawful, it is always a good idea to have your agreement reviewed by a lawyer who is knowledgeable with respect to such matters.

The extent to which you can successfully negotiate changes to the severance agreement depends on a variety of factors, including whether you are leaving as part of a group or as an individual termination, how senior in the organization you are, and the circumstances of your departure. It is generally easier to negotiate issues that don’t cost a lot of money or create an undesired precedent. For example, you can sometimes extend the date that you leave active employment and start receiving severance, assuming you can provide some valuable conclusion to one or more projects for the employer. Many severance agreements are silent with respect to what the employer will say about your termination and job performance when called for a reference by a potential employer. Before you sign, it is a good idea to obtain a written commitment to follow a mutually agreeable script. If your employer has adopted a policy of not providing substantive references and is unwilling to agree to such a script, ask that the agreement include their commitment to abide by that ‘name, rank and serial number’ policy.

In most instances employment can be terminated “at will”—for any reason at any time. However, certain exceptions to an employer’s unfettered right to dismiss an employee have been recognized
in various federal and state laws and court decisions. For example, it is illegal to discharge an employee based on the individual’s gender, race, age, religion, color, national origin, ancestry, or disability (and additional factors, such as sexual orientation, in some localities). If you suspect that the reason identified for your departure is actually a pretext, consult an employment lawyer to determine if the facts support an argument that your discharge is unlawful.

Issues involving vesting of stock options or buyback provisions should always be reviewed by a lawyer. Also bear in mind that salary already earned is legally payable to you, regardless of whether or not you sign the severance agreement.

A career counselor who has experience working with lawyers can help to make your job search process more focused and productive, with less wasted time and fewer dead ends. He or she will not “place” you, but a good one will give you the tools necessary to find your next position, either directly or through a headhunter. Many companies provide some form of outplacement assistance to laid off lawyers, but you should ask to shop around for the firm or counselor who will be best for you. Some outplacement agencies are little more than glorified mailing services, with a “one size fits all” approach to vital components of their clients’ professional presentations. For example, many such agencies recommend resumes with “job objectives” or “executive summaries” (filled with lots of “action verbs”). They also often provide generic cover letters containing jargon that many legal employers find annoying. This kind of presentation is almost a sure giveaway that you are in outplacement.

When you are looking for a career counselor or outplacement firm that will be right for you, bear in mind that effective assistance for most lawyers usually includes the following:

- **Career planning**, including both self-assessment and market assessment, so that you can identify those career options that will be both satisfying and realistic. Many career counselors place a strong emphasis on interests, skills, and values clarification--all of which are certainly important--but an effective counselor will place equal emphasis on market analysis, to ensure that the jobs you pursue are actually attainable for someone with your skills and salary requirements. In the larger cities there are a number of counselors who are former practicing lawyers, and these people can be particularly helpful if you are most interested in exploring your options within the law, whether in-house or in a firm, government agency or non-profit organization.

- **Direction in the development of a systematic job-search campaign**, including resume and cover letter preparation, and training in competitive interviewing and salary negotiation. Most experienced in-house lawyers will benefit from having different forms of resumes to use in different situations, and a savvy counselor will help you to customize your resume format and content to suit the job or industry for which you are applying. It is particularly helpful to prepare resumes that highlight particular aspects of your experience BEFORE you speak with any headhunters. You will enhance your chances of being interviewed for a particular position if the search firm submits a resume that demonstrates you are a “square peg for a square hole”.

- **Assistance in tapping into the “hidden job market,”** which yields the majority of jobs for experienced lawyers. Many CEOs of smaller companies that are not currently using in-house counsel are very receptive to an approach that demonstrates how you could save them money by working as an inside or outside “general counsel”--either on a full-time or
part-time basis, depending on the company’s needs. The right counselor can help you to make an effective proposal. Alternatively, many law firms will consider hiring lawyers from corporations (particularly if they have had prior law firm experience), and an experienced counselor can help you to draft a practice development plan and negotiate issues involving seniority and compensation if you are considering the possibility of law firm practice.

- Assistance in applying for positions with employers that rarely or never use headhunters, including most small companies, most small law firms, and virtually all governmental agencies, academic institutions, and nonprofit organizations.

Before you submit your resume to search firms, submit it to professional colleagues who may help you to connect with jobs directly. Do not overlook any of the following:

- Former members of your law firm or company’s legal department.
- Lawyers at other firms or companies that may face legal issues similar to those you have dealt with.
- Lawyers and alumni from former places of employment, especially law firms.

Once you have established a job search strategy, and prepared appropriate forms of your resume, you may want to speak to some headhunters. Bear in mind that search firm personnel are not career counselors, nor do they represent you. They represent employers, and it is the employers who set the parameters for the searches. Consequently, it is very much in your best interest to find out what kinds of positions a search firm has available, and to submit a resume which best fits the requirements of a particular job. Even if you were placed by a search firm previously, it may seem that the number of opportunities available through this route seems to have diminished. That is probably not your imagination. There are many more lawyers in the market for each in-house position than there have been over the past few years, and employers who can fill their positions directly (i.e. without having to pay a hefty search firm fee) generally prefer to do so. Also, bear in mind that most companies--unlike law firms--generally list their legal positions with only one or two headhunters. Consequently, you may need to speak to a large number of search firms in order to uncover the universe of appropriate positions. The American Lawyer includes a comprehensive pullout, “Directory of Legal Recruiters,” in its January/February issue each year. Other legal publications also print this information periodically. In addition, some retained search firms (that are not listed in directories of legal recruiters) handle general counsel-level positions. It can be very helpful to speak to directors of human resources at corporations in your desired geographic area to find out what search firms they use.

Finally, don’t forget that this cloud may have a silver lining. If you are unhappy with the toll that the “golden handcuffs” of booming economic times has taken on your personal life, you may wish to use a layoff as an opportunity to reassess your work/life balance altogether. Your legal skills may be in demand in another area of the country that offers a lifestyle more compatible with your values and interests. Or you may decide that now is the time to stop living out someone else’s vision of what you should be, and to follow your own dream of work that is more entrepreneurial/more predictable/more fun. If you’re reading this publication, you’ve probably distinguished yourself in many ways for which you should be very proud. Take your time; get good advice; and bear in mind that--chances are--“the best is yet to be”.

The American Lawyer