

THE MID-MARKET REPORT

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How a Select Few Mid-Market Firms Beat Big Law in the Race for Government Talent

Smaller firms that can offer a better lifestyle, a wider variety of satisfying work, a collaborative office and the chance to help ex-government lawyers grow, stand a much better chance at attracting top government talent.

By Bruce Love | August 20, 2021



(L-R)Amarveer Brar at Allen Matkins, and Kayla Higgins at Corr Cronin. Courtesy photos

The revolving door between government and Big Law is a well-known phenomenon. But when it comes to seeking out talent from the Halls of Power, Big Law is usually the big winner (<https://www.law.com/nationallawjournal/2021/08/18/trump-recruited-big-law-lawyers-to-government-and-many-are-staying/>). Yet recent data analysis shows that there are a few key firms in the middle market that have found great success in finding and retaining talent from the Federal government. Here's how they do it.

The majority of talent moving between law firms and the major organs of Federal Government come from—or go to— Am Law 200 firms. Analysis of data provided by Firm Prospects—a company that tracks lateral moves in the legal industry—show that of the 139 firms that contributed lawyers to the White House, Department of Justice, Securities and Exchange Commission and the Federal Trade Commission in the past four years, it seems no small firm outside the Am Law 200 or Global 100 lists of top firms saw lawyers leave for these federal organizations.

“The vast majority of moves to government are from Big Law,” said Adam Oliver, co-founder of Firm Prospects.

The data also show that of the 153 firms that recruited attorneys from the White House, DOJ, SEC and the FTC, in the last four years, the vast majority—147 firms—were Am Law 200 or Global 100 firms.

As recruiters, Oliver said Big Law often has an edge over smaller firms, because of their higher salaries and large presence in Washington DC, and other major markets.

“Since you find a lot of ex-government lawyers at the Big Law firms, the social and professional networks would likely be strong,” Oliver said. “It's likely that most government lawyers would already know and interact regularly with private practice lawyers at the large firms, when they're looking to make the move to private practice.”

Just five firms were outside of these elite lists of Big Law giants— Allen Matkins Leck Gamble Mallory & Natsis (<https://www.allenmatkins.com>), Caplin & Drysdale (<https://www.caplindrysdale.com>), Corr Cronin (<https://www.corrchronin.com>), Jeffer Mangels Butler & Mitchell (<https://www.jmbm.com>), and Lane Powell (<https://www.lanepowell.com>)—have recently been able to recruit talent from the White House, DOJ, SEC or the FTC (Firm Prospects tracks around 2,600 firms, so it is possible that a boutique outside this group may have contributed lawyers to government).

Lauren Drake, a top legal recruiter at Macrae in Washington, said small firms often find it difficult to attract and retain government talent.

“For the most prominent candidates, small firms simply cannot compete on compensation with the top firms,” she said, adding that hiring from government is an investment, because government attorneys join without portable business. “The firm is investing in the candidate, hoping they will develop business over time.”

Drake said the bigger, more profitable firms “simply have more investment dollars to spend on these candidates than the smaller firms do.”

Offering ownership of clients and cases

In June 2020, Kayla Higgins joined Corr Cronin in Seattle as an associate after being an attorney advisor at Justice. In the Pacific Northwest, Corr Cronin is known as one of the premier boutique trial law firms in the region, offering sophisticated litigation strategies across all practice areas. It attracts top talent in the region.

In 2019, Timothy Bradshaw—a former Judge on the King County Superior Court Bench in Washington—came to the firm as a partner because he missed being a trial lawyer.

When Higgins was contemplating her own move from public service, she was keenly aware that a move to a litigation practice at a big firm would likely mean spending many years working her way up the ladder before she would be able to work directly with clients.

“I wanted the opportunity to get litigation and advocacy experience and really work with clients,” said Higgins. “So, I set my sights more on smaller firms where I could be given the opportunity to handle cases and be given that responsibility more quickly.”

While Higgins joined the firm in the middle of the 2020 pandemic, she nonetheless has been able to interact with clients much sooner than she likely would have at a larger firm.

Higgins has also been able to work across a much broader range of practice areas within litigation—white-collar criminal defense, business litigation, and civil on both the plaintiff and defense side.

“One of the big selling points of a smaller firm is that it has a wide variety of clients and practice areas,” said Higgins. “For someone in government who has perhaps been confined to one particular area of law or department, and is looking for variety, it’s a good move.”

Challenging and diverse work

Lane Powell is another Northwest firm that has great success in attracting government talent.

In Jul. 2018, Neil Evans joined Lane Powell in Portland, Ore., after serving as an assistant U.S. attorney in the U.S. Attorney’s Office for 30 years.

Evans said after 30 years at the U.S. Attorney’s Office, by 2017 he was looking for a new challenge.

“I loved my time as an AUSA but was ready to challenge myself in new ways,” he said.

But what he wasn’t interested in was going to a large firm where he might be limited in the work he could do and in less control of building his own practice.

At Lane Powell, Evans has been able to work on a wide variety of matters—from health care to cannabis, to corporate securities and corporate litigation, state enforcement actions and bankruptcy, as well as the white-collar investigations and the litigation strategy and negotiations he craves.

Evans said he never considered Big Law because he was looking for a collegiate atmosphere where he could make a difference to the firm and its clients.

As an AUSA, Evans had also sat across the table from Lane Powell lawyers and liked what he saw.

He also knew a former colleague who had went to the firm—a year before Evans moved, Justin Okun also joined Lane Powell in Seattle after three years at the U.S. Attorney’s Office in Los Angeles. Okun has since moved on but Evans said knowing the quality of Lane Powell lawyers was a big draw for him.

Callie Castillo joined Lane Powell as a shareholder in November 2019, direct from twelve years at the Washington State Office of the Attorney General. In 2004, Castillo was a legal clerk in the White House Executive Office of the President, and then moved on to become a legal fellow for the U.S. Senate Judiciary Committee before returning to the Pacific Northwest.

For Castillo, a litigator, Lane Powell offered the chance to continue taking on challenging cases in a wide variety of legal areas, while also being able to devote the time she wanted to family and interests.

"I had an excellent career at the Washington State Attorney General's office and had reached what I considered the peak. I worked long hours, but I also had balance," said Castillo. "I did not want to start my private practice career over again in terms of developing clients, finding work and not being able to see my family."

Castillo said she "could not be happier" with her choice of Lane Powell over Big Law.

"It has checked every single box I was looking for when I decided to leave public service for the private sector," she said. "It's collaborative, I have very quickly integrated into the team, we share work in the kind of practice that I want to do, while still being able to balance my time as I want."

Focus on the practice area, not the firm

Amarveer Brar spent three years in Washington in the DOJ's environment and natural resources division before transferring to the civil division of U.S. Attorney's Office in Los Angeles.

Brar said his time in public service equipped him with skills and experience that would have been more difficult to obtain at an early stage compared to if he started his career in private practice. But as rewarding as the civil division of the U.S. Attorney's Office was—representing the government in a broad array of matters—Brar wanted to return to the practice area closest to his interests.

"I've always considered myself a land use and environmental lawyer," he said.

So he began looking around Los Angeles for firms with a good reputation in the area.

"I really didn't think about firm size, and was looking at everything from Big Law to boutiques. What was important to me was that the firm had an excellent reputation for real estate generally, and land use and environmental practices in particular," said Brar. "Allen Matkins was one of those firms that's always been on my radar."

For Brar, firm size was far less important than the reputation of the practice area in which he wanted to work.

And for the firm, bringing on talented government lawyers with expertise in one its key practice areas is always a boon for the firm.

"Being a leading real estate and business law firm, Allen Matkins frequently negotiates and partners with public agencies on behalf of our clients in order to move projects and cases forward," said Jeffrey Patterson, managing partner at Allen Matkins. "We welcome the talent and experience that come with attorneys such as Amarveer who can provide hands-on knowledge of government policies."

Middle-market and smaller firms looking to recruit top government talent, can rest assured that the while compensation is important, the formula isn't just salary alone. Smaller firms that can offer a better lifestyle, a wider variety of satisfying work, a collaborative office and the chance to help ex-government lawyers grow, stand a much better chance at attracting top government talent.