

Early Moves Can Ease Path to Power

By Marisa McQuilken

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For Washington associates looking to climb the legal ranks, there might be an even more desirable prize than making partner.

“The Obama transition folks have been talking about the flood of résumés that have been coming in,” says Stephen Armstrong, head of career development at Wilmer Cutler Pickering Hale and Dorr, which is home to some of the lawyers who President-elect Barack Obama has tapped to help with his move to the White House. “Any time there’s a change in administration, that happens. There’s a steady hum of interest [in going into government] the rest of the time . . . then it turns into a roar.”

Wilmer’s associates aren’t the only ones with a new enthusiasm for trading their Big Law bonuses for a chance to serve in the public sector. In November, Latham & Watkins’ D.C. managing partner, Eric Bernthal, told *Legal Times* that one associate in his office requested a leave of absence to work for the new administration less than 12 hours after Obama’s victory.

But unlike the partnership track, the path to becoming the next public sector legal star isn’t so clear-cut. Obama’s top lawyers—attorney general-designee and Covington & Burling partner Eric Holder Jr. and White House counsel choice and Williams & Connolly partner Gregory Craig—have excelled in both the political and Big Law worlds. Few lawyers have mastered the revolving door as well as these two, but career development experts and other attorneys with comparable careers say there are some key things for associates with similar goals to think about. Getting on the Holder or Craig track, they say, takes an ability to recognize the best opportunities, network with the politically well-connected, and perform the kind of private practice work that highlights exceptional talent.

And perhaps most important, says Armstrong, a young lawyer needs to plan ahead “rather than waiting to the last minute to attach themselves to a rising star.”

POLITICS AND PROSECUTIONS

But how does a fledgling attorney begin to lay the groundwork for a career that could lead to an office within the top levels of the executive branch?

Indeed, says former U.S. Solicitor General Paul Clement, who recently rejoined King &

Spalding's partnership, "Anybody's own path is pretty hard to replicate."

That's not to say that there aren't some obvious ways to get started. For fresh law school grads, the initial steps are a little easier to identify. Of course, judicial clerkships are a good way to shine up the résumé, but there's an even more exclusive gig available: "The best way to get a great government job for a lawyer is to apply to the Justice Department Honors Program," says Clement.

The program's prestige took a beating last June when a report issued by the Office of the Inspector General found the admissions process had been politicized by officials under then-Attorneys General John Ashcroft and Alberto Gonzales. Clement, whom the report did not connect to the politicization, was at Justice from 2001 to 2008.

Over the years the program has churned out a number of stars. Holder is an alumnus. Getting admitted is the only way for an entry-level lawyer to get a job at Justice. Holder went on to become a D.C. Superior Court judge and then moved up through the ranks at Justice to become the first African-American U.S. deputy attorney general. He didn't make his private practice debut until later in his career when he joined Covington as a partner in 2001.

For lawyers already entrenched within Big Law's associate ranks, determining the best timing for a move into government can be a tough call. If done correctly, though, it can alter an entire career.

"The most counterintuitive career step I took was to go work on Capitol Hill after spending a couple years as an appellate associate at Kirkland & Ellis," says Clement, referring to his first government job as chief counsel for a subcommittee headed by then-Sen. John Ashcroft (R-Mo.). In 2001, as a partner at King & Spalding, Clement applied for a spot in President George W. Bush's administration. His ties to Ashcroft, who became AG the same year, came in handy. Ashcroft recruited Clement for a slot in the solicitor general's office.

But Clement credits his time on the Hill with giving him an advantage over his competitors for another reason. He says most of the other applicants for a job in the Bush administration only had experience in either the private or public sector.

"There was a tiny stack of people who combined both. I think those people were in pretty high demand," says Clement, who is now reportedly making \$5 million a year in private practice.

WHO YOU KNOW

Clement chose to take that first government job on the Hill because he thought he "could kind of spare a couple years on the way to the partnership track." But it's not always easy to tell whether broadening your résumé with government experience will come at too high a cost to your partnership chances, or if taking the first position that comes along will actually stunt your chances at a higher-profile post down the road.

If an associate has ambitions for a top political appointment, taking a rank-and-file gig at an

agency isn't always the best move, says Wiley Rein's Richard Wiley. "For people who go over at a staff level, it's hard to move up to chairman," explains Wiley, using the Federal Communications Commission—the agency that he headed—as an example.

He says for more political posts, it's critical to get involved in campaigns and to make the right contacts. "That's the way it happened for me," says Wiley, who was general counsel of the FCC before becoming its chairman. "I'd worked in [Richard Nixon's] campaign, I made some contacts, I knew some people."

In other words, networking is key. Career development experts suggest taking an active role in the national or local bar associations or with politically oriented legal groups, such as the Federalist Society or the American Constitution Society for Law and Policy. (Obama has tapped the American Constitution Society's executive director, Lisa Brown, as White House staff secretary.)

Wilmer partner Jamie Gorelick, who served as deputy attorney general during President Bill Clinton's administration, points to outstanding litigation skills as another way to get noticed for a top spot. "By the time I left for my first senior position in government, I was an experienced litigator with knowledge of the specific areas that were required," she says. "I happen to believe that a smart litigator can do anything."

Deborah Feinstein, an antitrust partner at Arnold & Porter who oversees associate professional development, echoes that sentiment. Instead of seeking out someone with a particular type of regulatory experience, she says, "Oftentimes, with the law enforcement agencies in particular, they'd rather have someone who's spent a couple years litigating."

Indeed, White House counsel pick Craig spent the first part of his career learning from one of the most-storied litigators Washington has ever known: Williams & Connolly's founder, Edward Bennett Williams. Craig has taken three previous trips to the public sector. The first was as a senior adviser to Sen. Edward Kennedy (D-Mass.). He also served at the State Department and in the Clinton White House.

Ultimately, though, there's only so much an associate can do to get started on the path to a prime legal slot in the executive branch. Some of it has to be left to chance. Says Wiley, "So much of it is a little serendipity. You just have to be the right person, at the right time, at the right spot."