

PATENT LAW CAREER STRATEGIES

**Blueprint for a Career as a
Patent Attorney or Patent Agent**

Patent Education Series[™]

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INTELLECTUAL PROPERTIES ENTERPRISES, INC.

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Introduction

Stepping into a new career field is exhilarating. You've prepared intellectually, organized your materials, and pictured yourself in your new identity. Whether you're fresh out of school or making a major career change, you've finally arrived at the elusive answer to the question you were asked as a kid: *What do you want to be when you grow up?*

Then, reality hits. You're not quite there yet. You have to find a job—hopefully, a job that will be well-paying, stimulating but not *too* stressful, and include great co-workers. For some job-seekers, that process is a breeze. For many, and perhaps most, it's an emotional roller-coaster that can wreak havoc on their exhilaration and self-confidence.

The purpose of this book is to make this process as easy as possible. While there are never any guarantees, by following the suggestions in this book, you can rest assured that you're on the right track. This book takes the guesswork out of the process and in controversial job-hunting approaches, shows you the pros and cons so that you can decide what approach to choose.

Part One, “The Big Picture,” is about strategy. It shows you how to position yourself within the patent law field to become the *professional* you want to be, as well as the *person* you want to be. The first chapter encourages you to articulate your career path, the values you bring to your job search, and the kind of job you're seeking in regard to issues not particular to the field of patent law. For example, do you want a job where weekend work is expected? Do you value variety or stability

in your work life? Chapter 1 concludes with a checklist of questions to help you articulate your priorities.

The second chapter is an introduction to the field of patent law. It discusses the choices you will make (or have made) that will define the kind of work you do. Do you want to be a patent agent or a patent attorney? A prosecutor or a litigator? How does your choice of specialty shape the kind of work you'll most likely do—and vice versa? What are the advantages and disadvantages of working in small versus large firms? After reading these first two chapters, you should have a better sense of the kind of job you want.

Part Two, “Preparing for the Job Search,” lines you up with the resources and documents you'll need once you hit the market. Chapter 3, “Creating your Resource Portfolio,” addresses the various documents you could prepare before launching your job search. What should you absolutely have ready ahead of time? What can you do to set yourself apart from the crowd? What should you keep track of? In depth coverage is given to resources like writing samples, positioning statements and “scripts” for interview preparation and networking conversations. It also stresses the advantages of identifiers, such as business cards and websites.

Chapter 4 addresses references, which can make or break your candidacy for a job. Selecting good references and ensuring they will represent you in the best possible terms is an art form. This chapter walks you through the process. You'll learn what factors to consider when choosing references, what information to give your references at various stages of the process, and the types of follow-up available.

The first two sections of the book arm you for your job hunt—which, if you have prepared well, should go fairly smoothly. Part Three, “Finding Opportunities,” gets you into the trenches. There are four main ways to find a job you love: finding and answering job ads, researching and contacting potential employers, working your way toward the job you want, and networking.

Chapter 5 describes the first three of those tactics and how to approach each of them. In addition to showing how to research available jobs and target companies, it discusses the advantages and disadvantages of particular approaches. For example, when is it a good idea to apply for a job that doesn't *quite* fit your skill set? Should you send your resume and a form letter to target companies? What should you consider when pursuing a long-distance job search?

Chapter 6 takes a deep look at the fourth tactic, networking. Not only is networking crucial in many successful job searches, it also instills habits that provide the foundation for a successful career. This chapter explores “everyday networking,” how to generate contacts, and walks you through what to do before, during, and after a networking meeting.

Part Four, “After the Offer,” addresses short- and long-term issues to keep in mind once your job-seeking efforts have paid off. Chapter 7 addresses the two most important factors to consider when you receive a job offer: how to decide whether to accept the offer, and when and how to negotiate the compensation. It includes specific actions you can take (for example, visit the workplace; meet with your peers). Chapter 7 also reveals what information to gather (What is the governance structure of the organization? What kind of support is there for patent agents who want to pursue their JD?). It provides issues to ponder, such as how this job offer lines up with the priorities you articulated in Chapter 1. Then, it helps you determine if it's a good idea to ask for more money. Finally, it addresses how to lobby for more compensation: What research should you do to prepare your pitch? When should that compensation be in the form of benefits, as opposed to salary?

After reading this book, you will have a map and a plan of attack for your job-hunting efforts. While there are other places offering career advice and assistance with this process, this book is inclusive. It will prepare you for your satisfactory job search and help you secure a rewarding career in patent law.

Chapter 1: Know What You Want

The very first thing you should do before launching your job search is to pause and fully consider not just *what* you want to be, but *who* you want to be when you grow up. Look at the big picture, which includes a strategic timeline of where you've been and where you're going in your career. Determine how you want your career to fit in with the rest of your life. Even if you have a strong sense of identity and priorities, it's important to lay them out and have them at hand throughout the process. Let's look at the reasons why.

First, searching for a terrific job can be really exciting—which, ironically, can become a problem. Envision your most successful job search. What does it look like? If you're like most people, it will resemble one of these two scenarios:

1. *You've applied for jobs and networked with the right people. Your excellent credentials and dazzling personality are immediately rewarded. You receive a whirlwind of interviews, invitations to power lunches and dinners, as well as meetings with impressive people at attractive and lucrative firms. Your vision might be more low-key and less power-focused, but it will likely still be promising and successful, putting the job you want at your fingertips.*
2. *Those who are more job-hunt-phobic might envision the second scenario. This job search is more cut-to-the-chase. You find the perfect position and have one incredible interview. You're immediately offered the job, and (whew!) it's over.*

These fantasies actually do come true, and it's not all that rare. The problem in both scenarios is it's very easy to get swept up and lose focus on what you want. The former case can make you believe you are a superstar, entitled to the very best. As a result, you reach for the shiniest star in the constellation of job offers. But while it looks attractive at the moment, it might not be what you really want in life.

In the one-interview fantasy, the job seeker is often so delighted and relieved to have an offer that they fail to think about what they want. Many people in the world—all over, not just in patent law—are brilliant and have amazing credentials. A good number of these people want to have *both* a fun and stimulating job *and* personal time, whether it's time with their families, to notice the seasons changing, or to read books or pursue other hobbies. During their job search, they are interviewed by other brilliant people with amazing credentials who have a great job but don't have that time. Suddenly, time becomes abstract compared to the other compensations the job promises. They take the higher-status, but more demanding job, and later regret it.

In addition to getting caught up in the interview process, job searches which are successful can result in unanticipated pressure. This is commonly caused by two different things:

1. **Money-squeeze inflation.** You crunch the numbers, determining what it will take to pay off your debt, fix your house, and start a college fund for your child. Then, you find out that you might make more than you expected. So, you crunch the numbers again, figuring out how much you need to pay off your debt, move into a bigger house, and start a college fund for your child *and* any children you have in the future. The money you need has now grown. Suddenly, the salary that seemed perfectly reasonable the first time you crunched the numbers throws you into a panic.
2. **I call a version of this dynamic among very highly paid attorneys “stuck-with-a-boat” syndrome:** people take well-paying jobs, thinking it'll be temporary, and ten years later, they've raised their standard of living and bought a yacht, even though they have never been interested in boating. Now, they have to keep the job, even if they hate it, in

order to make payments on their yacht. (Obviously, it's not always a yacht, but you get the idea.) It's Peer Pressure. What more accurately might be called "superior pressure," the source of peer pressure is often your references. Here's a typical example. Your mentor—a boss, former boss, or possibly a professor— becomes very invested in your success. Perhaps the person spends a great deal of time helping you network and calling in favors to assist you in landing that perfect job. He or she might be the first person you contact to serve as one of your references. However, the job they're helping you get might not be *your* perfect job; it's the mentor's perfect job. While the mentor thinks you'd be a fool not to take the job, you worry that the mentor truly *does* think you're a fool.

To counter this pressure, make your mentor understand why it's not your perfect job. If that doesn't work, you should be prepared to act according to your priorities. This pressure can also stem from a spouse, parent, or colleague, although mentors are often the culprit because they know the field and might have a professional investment in your future.

The incidents described above imply that the primary dilemma one might face is a money-versus-quality-of-life choice. This may be true; an enormous salary dangling in front of your nose can certainly get your attention. Sometimes, though, it's at the expense of other issues. While patent law generally pays quite well, pay isn't the only dilemma you might face. There are all many particulars to heed in the headiness of the job search: the kind of work that will be required, coworkers, expected level of productivity, extent of supervision, travel expectations, etc.

Even in a best-case scenario, it's important to keep your eyes on the prize.

But first, you need to know what that prize is.

Ideally, you'd like to have all the offers you're going to get in hand. In reality, different offers have a remarkable ability to stagger in with the worst possible timing. If you keep your focus on what you want, you'll be in a better position to evaluate each offer on its own terms—which also makes you less likely to regret a decision afterward. Moreover, embarking on a new career almost always involves some degree of compromise. You usually have to start at the entry level and work your way up. You might also need to be willing to do other things, like start out at a big law firm when you'd rather be self employed, or relocate geographically to a place with more opportunities (though you might keep the goal of returning to where you live now).

One of the keys to keeping steady during the job-search process—and one of the keys to succeeding *at* the job search process—is to maintain a clear sense of your priorities (what you'd prefer), boundaries (what you aren't willing to do), and where different aspects of a particular job fit within that spectrum. That way, if you get a job offer that's okay but not great, you'll have a better sense of how it fits into your big-picture vision. You'll be able to determine if accepting it would be a strategically valuable compromise or if you'd be haunted by a nagging sense that you'd settled for less than you wanted if you do accept the job.

Keeping your big picture in mind helps you map out your strategy and reveals how different positions would fit (or not fit) into that strategy. It also makes you a stronger candidate as you go through the process. This reflection will provide valuable information to both you and potential employers. For example, it can lead to more thoughtful or strategic conversation in an interview, which in turn can lead to a job offer—or even to a higher salary offer. On a more psychological level, having a big picture in mind can boost your confidence in your interview skills and other forms of self-presentation. You know who you are, and that person may be flexible, but he or she isn't a pushover.

What does it take to create this big picture?

Different issues apply to different people. Even within patent law, which seems like a fairly narrow field, there is a huge range of backgrounds and wish-lists, including both personal and

professional goals. This chapter and the next one map out the factors to consider as you plan your career. The next chapter, “Patent Law 101,” addresses issues specific to patent agents and patent attorneys; the remainder of the current chapter addresses the more general issues. You might have already answered some of the questions in both chapters; some of them might require more consideration or research. If you don’t know or don’t care what the answers are to some questions, that leaves possibilities open. For example, if you don’t care where you live, your search can be nationwide in scope.

I strongly encourage you to annotate these pages, highlighting the issues that are most important to you and/or specific answers to some of the questions.

Geographical Considerations

Perhaps the most significant choice affecting a person’s job search—at this stage and later stages—is where they can or want to live. Local job searches are a completely different beast from national (or international, for that matter) searches, though there is a bit of a continuum between the two. For example, a regional search is more like a national search; a “driving-distance” search may be more like a local search.

There are reasons for having geographical commitments. Here are just a few:

- Your spouse has a job that’s tied to your present location
- You’re divorced and want to live near your children
- Your parents live close by, and they aren’t getting any younger
- You hate cold (or hot) weather
- Proximity to landscape conducive to hobbies, like rock climbing, surfing, scuba diving, hiking, etc.
- The culture and ethnic makeup of your surroundings
- You simply feel that a certain place is your home, whether it’s an urban or rural setting

Few geographical commitments are absolutely, objectively mandatory, and few are absolutely, objectively frivolous. At one extreme, plenty of couples live apart and commute to see each other on weekends. At the other, some people are seriously miserable in certain climates (and, it's true, some people complain about it but actually don't care.)

Only you can decide what your constraints are and how important they are to you. Decide what they are. Write them down. They may be very specific, like *"I need to live in the Detroit metropolitan area,"* or they may be more general, like *"I need to live in the South."* They may also be specifically geographical, like the preceding two, or they may be features of certain kinds of geographical areas: *"I need to live somewhere where there's a relatively large Chinese-American population,"* or *"I need to live somewhere where I can ride horses."*

If there are certain things you "need" and others that you "want," make two lists. For example, maybe you want to work within 90 miles of your home. Perhaps that's the figure at the "need" level, but, actually; it's not unrealistic to think that you could work within 10 miles of where you live.

Another issue to consider is short- versus long-term geographical constraints. Perhaps you want to live near aging relatives in 10 or 20 years, but you don't necessarily need to be near them now. Or, you're willing to travel to the coast to surf during vacations for the next couple years, but you don't want it to be a permanent state of affairs. If that's the case, you need to strategize about your overall career trajectory. You might gain from looking everywhere for jobs and then returning to where you want to be. In other cases, it's more productive to accept a job in your current location, build a local network, and maximize your options locally.

If you don't have any geographical constraints and are conducting a national search, theoretically, this should help you to find more and better jobs. In practice, whether it helps or hinders you depends on several things. The problem isn't complicated: some employers simply don't

like to interview people who aren't in town, or at least within reasonable driving distance. So, they will toss your resume in the "reject" pile if you don't list a local address.

The factors that mitigate the problem are complicated. The major one is your rank/status and credentials. The more highly credentialed you are—the higher the degrees you have, the better the schools, the higher your GPA—the more likely it is that employers will give your resume a second look and scramble to interview you (paying all your expenses, of course). The same is true for your field of specialization: if it's relatively rare but in demand, you are in great shape. Basically, the harder it would be to find a substitute for you, the more potential employers are willing to invest on the chance that you'll move to their location.

Of course, the alternate is also true. If you're an entry-level patent agent with no legal experience and a BS in, say, chemistry, it will be more difficult to get hired outside of your present locality.

You'll face the same out-of-towner job search if you want to live somewhere other than where you live right now. It may be best to conduct your search from your intended location, rather your present one. If that's not possible, you may want to travel to where you're interested in living so you can spend some time networking locally and making yourself available for interviews.

Employment Priorities:

Past Jobs

One of the best ways to determine what's important to you in a job is to scrutinize the jobs you've had in the past. One by one, think about every job you've had (including your current job). For each job, do the following:

1. Write down the first three things that come to mind when you remember that job. It could be good or bad, like "I hated that job! My boss was totally inconsistent, and I never knew where I stood" or "I remember staggering home after dark," or something good, like "That was a really nice office, and I could listen to music." If a particular characteristic of a job stands out, chances are it's something you'd prefer to avoid or replicate in future jobs.

a. _____

b. _____

c. _____

2. Having captured your first impressions, now let yourself remember that job more deeply. What else would you like to have in a future job, and what would you like to avoid? Think about everything: the kinds of tasks you did, the people you worked with, even things like how you had lunch (At your desk? Business lunches? Lunch with friends? A trip to the gym?)

a. _____

b. _____

c. _____

d. _____

Employment Priorities: The Future of Your Career

Ask yourself the following questions:

1. What would you *ideally* like your job—this job, that you’re about to get—to be like? Be as specific as possible, and don’t be afraid to think big.

2. What would you *ideally* like your job to be like in 10 years? (Think mid-career.) Do you think you’ll advance along the same track or will you switch tracks? For example, if you’re a patent agent, do you hope you’ll be litigating cases in 10 years?

3. What would you *ideally* like your job to be like at its acme—that is, how far would you like it to have progressed? Do you want to become a partner at a prestigious law firm? To go into business for yourself? What characteristics of your situation will you tell you that you’ve *arrived* at where you want to be in your career?

Values Brainstorm

The list of possible conditions that can affect your satisfaction at a particular job is enormous. The following list is intended to cover most of the typical priorities and working conditions that people value. Not everything on the list matters to everyone, and few, if any, jobs offer someone *everything* they want. Here are three helpful tips on how to use this list:



First, highlight or write down on a separate piece of paper those items which are most important to you at this stage. Since it is in question form, you may want to write down your answers to the questions. If some items are important to you but you honestly don't know what your answer is, you may want to write down the question and: (1) research, talk to others, or in some other way try to uncover an answer; (2) let it remain in the back of your mind so that an answer can evolve; or (3) let it stay in question form and revisit it as the job-search process shifts from abstract questions of preference to concrete questions of what options are actually available to you in specific job settings.



Second, use the list as a brainstorming tool to help you think about other factors important to you in your job search. Write them down so you don't forget them!



Third, after you have been offered a job but before you accept it, go back through the list and consider the questions in light of the offer. Try to answer most or all of the questions. Unless a question is not important to you, don't make assumptions about the answer; go find the actual answer, not just what you expect the answer would be. (The details of how you can do so, along with other advice for this stage, are in Chapter 7.)

Values Brainstorm Checklist

MONEY			
	Very Important	Somewhat Important	Not Important
How important is money to me relative to other features a job has to offer?			
Is there a minimum salary in order for me to consider a position? If so, what is it? (This issue can be related to the salary you need or the salary you want—or insist on. That is, it's not necessarily just about whether you can afford your mortgage; it can be that you have a figure in mind—hopefully, a realistic figure—and you don't want to accept any offer that doesn't match or exceed that figure.)			
To what extent do I want to “follow the money” around job offers? In other words, will I accept the offer from the highest bidder?			
RELATIONSHIPS WITH CO-WORKERS			
How important is it to me to have great relationships with my co-workers? Do I want them to be my friends, as well as colleagues?			
Do I want to socialize with co-workers outside of work?			
Do I want to work with others versus independently?			
Do I want to work with the same team of people over time, and to what extent do I want the people I work with to change or rotate?			
Do I prefer a work environment where people are treated like equals or a more explicitly hierarchical environment?			
If I value collegiality, does that include support staff or just my peers?			

SUPERVISORY RELATIONSHIPS			
	Very Important	Somewhat Important	Not Important
How important is it to me to have a great relationship with my supervisor?			
Do I like to be closely supervised? Do I want to be mentored? (Often, one comes with the other—a mentor is more involved with your work—and some people would rather be left alone to figure things out for themselves.)			
How important is regular positive reinforcement? Do I want to work where my contributions are explicitly appreciated, or am I okay in an environment where praise is limited?			
How important to me is regular feedback?			
Do I want to work where I am being evaluated regularly or where I have an annual review?			
How important is it to me to be a supervisor, to have power and control over others? Do I want to be a mentor to others?			
VARIETY AND STABILITY			
Do I want travel to be a part of my job?			
Do I want to have a lot of contact with a variety of people—not just co-workers—on a regular basis?			
Do I want my work to be predictable? To what extent do I want it to be varied?			
Do I want the evolution of my job to involve “depth,” becoming increasingly involved in and knowledgeable about a specialty, and to what extent do I want it to involve “breadth,” expanding my fields of competency?			
Am I interested in doing other intellectual property work in addition to patent work? (This question applies if you are an attorney or—in the long-term—if you plan to become one.)			
How much job security do I want? Would the prospect of losing my job—say, at a firm where it’s hard to make partner—light a fire under me in a good way, or just eat away at my stomach lining?			

ORGANIZATIONAL CULTURE AND SETTING			
	Very Important	Somewhat Important	Not Important
Do I want to work somewhere where people are generally happy with their jobs?			
To what extent do I thrive in a competitive environment?			
To what extent do I enjoy or dislike working under intense pressure?			
How important is it to me to work in a democratic environment, where decision-making is shared among a large group—or all—of the organization’s employees?			
Do I want to be able to work from home?			
How important is it to me that my employers be invested in me or committed to my success?			
How important is it that my environment includes diversity? What kinds of diversity are important to me: Racial/ethnic? Gender? Sexual orientation? Class?			
From the standpoint of professional expertise, to what extent do I like being the only person like me in my workplace? More specifically, do I want to work somewhere where most of my colleagues are also in the patent law field, or patent agents and attorneys, or do I want to work and interact with people in different legal fields (or non-legal fields, if you’re interested in a position outside a law firm)?			
To what extent do I prefer to work in an extremely professional setting, and to what extent do I prefer to work in a more casual setting? (Does the idea of wearing a suit every day seem classy or oppressive?)			
How important to me is the physical setting in which I work? Do I have requirements (e.g., wheelchair accessibility) or preferences (e.g., an office with a window)? Do I want to work in an upscale environment?			

POWER, STATUS AND CONTROL			
How important is status to me? To what extent am I motivated by other people's admiration or respect?			
Whose admiration/respect do I want? (Status within the legal community or within the patent law field is not the same thing as status among, say, your extended family.)			
How important is it to me to have power and control over aspects of my work?			
How important is it to me to be a leader—to be responsible for decision-making?			
Do I want to cultivate my own clients or have others assign me existing clients?			
Do I want to be a "big fish in a small pond," or do I prefer an environment with lots of "big fish"—people as important, or more important, than me?			
WORK-LIFE BALANCE			
	Very Important	Somewhat Important	Not Important
Do I want to work somewhere where work-life balance is explicitly valued?			
How much time do I want to be able to spend with my family?			
How important is it to me to have control over the consistency or predictability of that family time? For example, do I want to know that I'll be able to take time off for important family events?			
Do I mind being very busy during some periods if I can be less busy at other times?			
To what extent do I want to keep clear and specific working hours—usually the typical 8 or 9 a.m. to 5 p.m.—and to what extent do I want to be able to control the hours of my workday? For example, some people have a strong preference for working late at night, but they also want to be able to come in late in the morning.			

Work-Life Balance <i>(continued)</i>	Very Important	Somewhat Important	Not Important
<p>How important to me is it to have a manageable commute to work?</p> <p>What do I mean by “manageable”?</p>			
<p>How consuming do I want my work to be?</p> <p>Do I want to be able to walk away from it when I leave work and not think about it until I return, or do I want a job with issues I mull over or strategize about even when I’m not at work?</p>			
<p>To what extent am I willing to work overtime, generally evenings and weekends?</p> <p>Do I have a strong preference for working overtime on my own terms? Put another way, am I willing to realize at 5pm on Friday that I’ll probably need to come in on Saturday and Sunday, or do I want a job where I can decide in advance how to allocate any hours I spend beyond the 40-hour week?</p>			

Having considered the questions in this chapter, you should have a map in your head (and possibly on paper) that includes your preferences, as well as your priorities. Your preferences are the answers to the various questions; your priorities are the questions that stand out as the most important features of your work life.

Don’t be surprised if these preferences and priorities change during the job search process. What you have to gauge is whether the changes are “real”—based on new information that changes your attitude toward a particular preference or based on changes in your situation—or whether you are being influenced by the job search process itself. When things go well, you can get swept up in the glamour of it all; when things aren’t going well, you can get discouraged. As a result, your standards of what constitutes a good job may change.

Your preferences and priorities should be accessible to you—mentally and/or in writing—during the entire job search process. View them looking over your shoulder, providing guidance as you make decisions. But before you set them up in that position, put them into dialogue with the material in the next chapter, where we look at some of the major decisions you’ll make as you situate yourself within the patent law field.

Chapter 2: Patent Law 101

This chapter is intended to provide you with an overview of the patent law field. The first section provides a very basic (but fast-moving) introduction to patent law. If you know a lot about patent law, you may choose to skip this part, although it may offer some benefits to readers who know about their particular line of work. The remainder of the chapter is organized by the possible choices you can make in determining where you'd like to begin your career, and where you hope to go.

As you read this chapter, allow the options available to you in the patent law field to interact with the Big Picture issues raised in the previous chapter. The values you considered or articulated in Chapter 1 will help guide your specific decisions. While the extent to which your values are realized in your job depend upon the specifics of any individual workplace, you can increase the likelihood of finding a good match based on how you position yourself within the field.

Patent law is a subset of intellectual property (IP) law, which includes patent law (which protects inventions) and areas such as copyright (works of art), trademark (logos, slogans, etc.), and licensing (granting others the rights to use protected intellectual property).

Patents protect inventions on the basis of their design and/or their use, plus biological inventions such as plant strains, by giving the inventor exclusive rights to the patented invention for a specific period of time, usually 20 years from the date the patent is filed. To get patent protection, the

inventor must show that the invention is both new and non-obvious. Basically, it must be something that someone else has not invented and something that is not a logical evolution or tweak of an existing invention. Recently, much of the demand for patent law professionals has come from the computer, biotech, and pharmaceutical industries, although there are definitely other fields in high demand.

Intellectual property law is a particularly hot area right now. Even though the media's coverage of things like illegal music downloading makes it seem like IP professionals are in demand across the board, patent attorneys and patent agents represent a very large proportion of the IP field. In fact, the vast majority of IP law's "hotness" comes from the patent law part of the field. Moreover, patent law professionals are a very select group.

To practice law, all attorneys must complete their law degree and pass the state bar exam. Patent attorneys and patent agents must also pass the Patent Bar Exam, run by the U.S. Patent and Trademark Office. Patent agents, who do not have a law degree but can prosecute patents before the USPTO, must also pass the Patent Bar Exam. In order to take the Patent Bar Exam, both agents and attorneys must demonstrate a high level of technical knowledge, ordinarily at least a Bachelor of Science degree or a Bachelor of Science in Engineering. However, many patent attorneys and agents have more advanced technical degrees. Less than half of exam-takers pass the exam, narrowing the field still farther.

Patent attorneys have still more good news. First, there are generally more jobs advertised in patent law than in many other legal fields, as well as fewer candidates qualified to fill those jobs. Second, if a law firm decides to hire just one IP professional, they will often choose a patent attorney. This is not only because there is so much work in patent law, but also because patent attorneys are typically capable of working on other forms of intellectual property. The reverse is not true, because specialists in other fields lack the technical knowledge that is so important to a patent attorney. (This is less true of litigators than of prosecutors; see below for more on that distinction.)

Do I Want to be a Patent Agent or a Patent Attorney?

For some, that question is already answered: you've been to law school and jumped through all the hoops necessary to be a patent attorney, or you haven't been to law school and you don't intend to go. For some of you, though, that's still an open question. The most likely form it takes is that you are embarking on a career as a patent agent, and you're not sure whether or when to go back for that JD. Not surprisingly, obtaining a law degree will afford you more status and privilege, as well as more compensation. Across the whole demographic, there are patent agents who are very good at what they do, have especially strong backgrounds, and have made excellent career choices. Those individuals can achieve some of the same advantages of being a patent attorney—and they can make more money and have more status than some patent attorneys.

As an individual, no matter what your position, you will have more money, status, and opportunity if you have the law degree. It's not a matter of *whether*, but of *how much*, and how those advantages weigh against the cost of a law degree, financial or otherwise. For example, if you spent your 20's and early 30's getting a PhD and winning postdoctoral research fellowships in computer science, you may have a very specialized background that will be valuable to employers and provide you with interesting and well-paid work. At the same time, you might think that it's high time to start a family and you don't want to spend your hours outside of work reading legal textbooks.

If you think you might want to go on to law school, it's useful to consider your preferences for accomplishing that goal. For example, how far in the future do you expect to start school (2 years? 10 years? "Maybe someday?") Will you leave your job to be a full-time student, or will you work and attend school at the same time? How does this trajectory affect your current situation? If you're considering keeping your job while in school, it's worthwhile to consider ways in which a particular employer could be supportive of that project. In some jobs, it's simply impossible to find the time, while other employers might work with you as you juggle those responsibilities or help you with tuition.

In general, the stronger and more in-demand your background, the more likely employers are to support you attending law school. It's even possible that they'll pay your way through law school, lessen your work requirements so you have more time for school—and then they'll pay you more when it's all over. They see it as an investment in a valuable employee. Not a bad deal!

What is or Will Be My Specialty? And How Important is It to Me?

Because of the highly technical nature of patents, virtually all patent attorneys and patent agents specialize to some degree. The extent to which you specialize will depend upon a number of factors, including whether you work on the litigation or patent prosecution side (prosecutors are usually more specialized than litigators). It will also depend on the size and specialty of the firm you work for, whether you work for a law firm at all or a government agency or a university, and your preferred career trajectory.

For example, in a smaller firm, you're more likely to have a specialty like biotechnology; in a larger or boutique firm, you might deal exclusively with patent applications claiming genes. Over time, it's possible to narrow your specialty. You could go from a small firm, to a larger one, to a boutique firm. Or, you could widen it by starting out at a larger firm and then opening your own consulting business where you provide a variety of services on a wide range of technologies.

You may also find yourself in a situation where you're the most qualified person, even outside your specialty, so you're working on patents outside your area of expertise. And, as the introduction above observed, it's also possible to branch out to the point where you're doing patent prosecution *and* other IP work. In fact, some employers will give attorneys other IP work to keep them happy in their jobs by relieving the potential boredom of doing patents all the time.

Many, perhaps most, people drawn to the patent law field have a specialty already, from majoring in biochemical engineering as an undergraduate, by getting your PhD and having postdocs in computer science, or by working as an aeronautical engineer for seven years. Obviously, starting

from what you already know is a good way to begin to consider your field of specialty. Many people enter the patent law field with the intention of taking advantage of their existing knowledge and building their whole career around it.

It's also possible, though, to narrow, broaden, or change specialties—or you can even leverage your field of specialty as a way of moving *out* of that more technological work. For example, if you're an aeronautical engineer who wants a change of pace that stresses your persuasive communication skills, you could become a patent litigator. Your technological background will serve you well, but you can also develop the interpersonal angle so that the legal work takes center stage.

If you're interested in shifting your specialty in any of these ways, it's useful to consider certain questions—and the more radical the shift, the more important those questions will be. You need to know how you're going to get from *here* to *there* in a way that still takes advantage of your existing knowledge and experience. Do you want to start off in your current field and then gradually reorient yourself? Do you want to do a greater variety of work? Will you want to go back to school to get a different degree?

Specialization can be the major factor shaping your job search, insofar as the specialization you bring to your search and how you want your specialty to develop or shift over time. If your field—or, on the other hand, changing your field—is very important to you, you need to focus on how your particular field intersects with the patent law field.

The following questions will assist you in that determination:

- Are there particular firms or types of firms that employ people with your specialty? If so, what are they?
- Are there geographical locations where firms related to your specialty tend to cluster? If so, where?
- Are there many or few infringement cases related to your specialty (affecting the litigator-vs.-prosecutor decision)?
- Is your specialty one with a high demand for patents but few specialists (or vice versa)?
- Or is it one where, to really get ahead, you need to have a PhD in a field, but you only have a BS?
- Is it one that lends itself to university or government work, as opposed to law-firm work?

These are things you should consider—and research—as you prepare to launch your job search, or earlier if possible.

Prosecutor or Litigator?

In addition to field of specialization (the technical knowledge you bring to the “content” or topic of the patent at issue), you also need to consider the “form” of the work you’ll do. Almost all patent attorneys will either be *prosecutors* (people who draft patent applications and negotiate with the U.S. Patent and Trademark Office) or *litigators* (people who try cases). Usually, there is very little cross-over between the two categories. If you are a patent agent, you have a similar decision to make, although the situation is somewhat more complicated. It’s addressed at the end of this section, because it’s useful to understand the distinction from the attorney perspective first in order to grasp how it’s different for patent agents.

In general, people who enjoy and are good at working in *any* aspect of patent law are detail-oriented, thorough, organized, analytical, and logical, and have good research skills. Beyond that, there are differences in skill set, knowledge, and personality type between prosecutors and litigators. To be a good **prosecutor**, you need the following:

- **Good communication or “people” skills.** While the prosecutor-vs.-litigator distinction might appear to revolve around writing (drafting applications) versus speaking (arguing cases), that’s not entirely the case. In the process of drafting the application, you work closely with your client, the inventor. The inventor could be an individual or small group, but it’s often a large company, in which case you will deal with a representative from that business. Getting every detail of the patent can require some prying, or at least well-developed interview skills. Later, once the case is before the patent examiner, you often play the role of advocate/mediator, arguing the client’s position to the examiner. You’ll also assist the client in understanding the patent office’s position and work with both to find a suitable middle ground.

- **Technical knowledge.** Patent applications can be *extremely* technical, and you need to be able to communicate with everyone involved using the technical knowledge and vocabulary specific to that field of patents. You need to fully understand the scope of the inventions, as well as their various applications/utilities. You also need to be able to compare proposed inventions with “prior art” disclosures and identify those features of inventions that are novel and not obvious variations. In order to do so, you need to be familiar with the material or have the knowledge and technical fluency to be able to familiarize yourself with it quickly.
- **Technical writing skills.** It’s one thing to be able to take in extremely technical information; it’s another thing entirely to be able to write about it with clarity. “Technical” means *technological* and *specialized*, but it also means *procedural* and *precise*. You have to be able to nail down exactly what you’re talking about—what your client wants you to be talking about. It should be noted that patent applications are fairly long, anywhere from 30 to 60 pages to much more. In fact, it’s probably not enough to be good at technical writing; you should also *like* doing it, because you’ll be doing it a lot.
- **Creativity.** Patent law prosecutors need to be precise, but they also need to be able to think outside the box, to brainstorm or speculate, to ensure that any and all possibilities for the patent are at least suggested in the original disclosure. In other words, you need to be able to anticipate all possible applications, uses, or combinations with the object of the patent that could be valuable. You need to be able to close loopholes about something that doesn’t exist yet, so you need to be able to imagine what they could be.

Patent litigators do different kinds of work. What you might think is the primary difference—*oratorical flourish in a public setting*—isn’t as central to being a patent litigator as you might think. When we think of litigators, we usually picture dramatic courtroom scenes out of *Law & Order*. In reality, most patent litigators rarely see the inside of a courtroom. There are two reasons why: first, almost all patent cases are settled, disbanded, or dismissed before getting to a judge-and-jury setting; second, while there might be 7-10 people on a given litigation team, only one or two will actually be speaking in court. In fact, within the field of litigation, there are often additional divisions of litigators

into those who actually conduct trials and those who don't. If you are going into this field because you *want* to make dramatic courtroom speeches and plan your career accordingly, you can probably find opportunities to do so.

The real reason for making this point stems from the fact that more people are afraid of public speaking than anything else, even death. If you are one of those people, don't immediately dismiss the idea of being a litigator. You need to be smooth, to "sell" your case to others, but you don't need to be anywhere close to Sam Waterston playing Jack McCoy—or whoever looms in your head when you picture a litigator. In reality, you'll be spending most of your time in the office reviewing evidentiary documents, analyzing patent history, reading case law, and so forth.

That said, being a **litigator** requires the following:

- **Good persuasive skills.** You need the same communication or "people" skills a prosecutor needs. The difference is that the prosecutor's communication is more oriented toward communicating with the client and making sure that the patent case is clearly laid out. Arguing the case before PTO officials is a secondary skill, because the patent application should speak for itself. When you're a litigator, you're dealing with a case of infringement; it's an inherently more adversarial context. You're almost always trying to convince someone of something, whether it's your client, the judge, your opponent, or even colleagues in your firm (for example, if you're debating whether to settle the case or go to trial).
- **Legal knowledge.** Prosecutors are primarily, even exclusively, focused on the patent application and the invention itself. However, litigators spend a majority of their time locating applicable case law, assessing rules of evidence, interpreting statutes and regulations, and other "legal work" more narrowly defined. For this reason, legal knowledge is at least as important as technical knowledge for a litigator.

- **Technical fluency** (as opposed to technical knowledge). Litigators tend to work in less specialized subfields than prosecutors, so previous knowledge of the science behind a particular case of infringement is not always feasible, though it always helps. What is essential is to be able to get up to speed on the technical jargon related to a particular case and to be comfortable communicating about it. For that reason, it's helpful to have a scientific or technical background because it gives you knowledge of the field you're familiar with and a general competence about how technical knowledge works. It's analogous to languages: if you can speak both Spanish and English, that doesn't mean that you can speak French; but you're probably better prepared to learn French than someone who only speaks English. That said, for extremely technical cases and even some less technical ones, litigators can often turn to technical specialists or opinion people for "backup."
- **Analytical skills.** Whereas prosecutors need to think outside the box, litigators are dealing with a closed system. All the facts are in, and it's a matter of either: (1) finding some way of avoiding infringement (if you're representing the defendant), or (2) proving that the defendant is infringing your valid patent claims (if you're representing the plaintiff). If you're a litigator, your job is to find the path through all of the evidence, previous cases, existing regulations, and other relevant data that will most strongly support your case. That's a very different mental process.

There is a third category that lies in between prosecutors and litigators: people who specialize in "opinion" work (as in legal opinions). They review and evaluate technology and/or issued patents to opine a patent's "patentability," commercial value, potential for being infringed, and so forth. Opinion people are often brought onto a litigation team, especially when the invention involved is especially high-tech or complex and really requires review by a specialist. People who do this type of work are most often those with PhDs in their field and might have additional research, academic, or other experience. Unless you fit into that category already, it's unlikely that you will belong in this category, particularly if you're just beginning your career.

Let's return to how this picture looks for patent agents. Patent agents can assist with litigation teams, though they can't prepare patent opinions, sign briefs and motions, depose witnesses, or do other tasks that require a law degree. In practice, they are less likely to have direct contact with clients and more likely to research and draft documents that will be signed off by attorneys. This means, on litigation teams, patent agents can be second-class citizens, especially at larger and more impersonal firms. (If you have a very strong technical background plus a PhD and/or experience working for the USPTO—in short, some credentialing that places you on par with or above your attorney colleagues—you'll be considered more of a “technical advisor” as opposed to a “patent agent”. If so, you may be able to overcome this prejudice, though you still might experience pressure to get that JD.)

While there's nothing wrong with performing these responsibilities, if you are a patent agent and highly value status, you may want to consider focusing on prosecuting patent applications, where the work you'll do is much more similar to the work a patent attorney does.

What Kind of Organization Do I Want to Work For?

Not all patent agents or attorneys work for law firms. Any organization where potentially patentable research and development is conducted (generally universities, government agencies like the National Institutes of Health, and corporations) may staff an in-house patent department. This might include attorneys and/or agents who prepare the patent applications, or it might include people who act as liaisons between the organization and law firms. The industry positions are usually considered “in-house,” while the university or government positions are part of a technology transfer department.

If you take an in-house or tech-transfer position, you may spend time drafting and prosecuting patent applications, or overseeing patent portfolios, with the prosecution being handled by outside counsel. You will probably spend a significant portion of your time evaluating what the R&D folks determine is potentially patentable (and commercially valuable), working on licensing matters (getting licenses for your people to use other patents and/or licensing others to use your

organization's patents), and dealing with patent dispute and litigation matters (e.g., seeking opinion of counsel as to whether the organization can do a particular thing without getting sued).

Many other patent professionals are self-employed or work in small patent consulting firms (as opposed to law firms). They might provide patent search and patent writing services for inventors, whether individuals or businesses; work on research agreements between different entities (for example, the government and a university or corporation); or counsel small businesses on when and how to pursue patents or other kinds of intellectual property rights.

The paragraphs below focus on law firms for several reasons. For one, most patent attorneys and agents work for law firms, especially at the entry level. In addition, differences among in-house and tech-transfer departments make it difficult to generalize about the work beyond the description above. While there are distinctions among firms, for the purposes of job hunting, there are two main viewpoints about what differentiates one firm from another: (1) degree of specialization, and (2) size. As we'll see, size can sometimes be a descriptor that refers more to the type of firm rather than the literal number of attorneys.

The degree of specialization is usually expressed in terms of general versus boutique firms. Boutique firms have one or more specializations; they focus on providing services for clients within a niche market. That market is often a particular industry or government agency. For example, telecom boutiques focus on the telecommunications industry and might work with the FCC. Boutiques can exist in any legal field, but the intellectual property field in general, and patent law in particular, are good candidates for boutique firms because the issues are so technical and complex.

As a patent law specialist, you're more likely to find yourself in a boutique firm than those who are in other legal fields. In fact, it's useful to consider boutique firms as offering a fairly wide range of options, from IP (which, though broader than patent law in particular, is still considered a boutique field) to firms working exclusively on patents or a specialty within patent law (e.g., medical patents), or, even more narrowly, on a subspecialty (e.g., pharmaceutical patents).

Boutique firms are frequently founded by lawyers who have worked at big firms and are well connected in their field. In the legal field, it is less likely that an entry-level employee will be hired at a boutique firm. For our purposes, this generalization is complicated because patent law has more boutique firms than other fields, and many people entering the field of patent law have credentials that effectively promote them out of entry-level status. If you are interested in working for a boutique firm, *don't* assume that firms aren't interested in someone like you, but *do* your homework on individual firms so that you have a good idea of what each firm does and how you might fit into its identity.

The large-versus-small distinction typically refers to the number of staff and attorneys at a firm, although it often describes the overall feel of a firm as shaped by the qualities described in the bulleted list below. Like the degree of specialization, size is a continuum. It is relative to the geographical location. For example, in a large city like New York or Los Angeles, a firm needs to be a lot bigger to be considered “large” than it does in Roanoke, Virginia, or Omaha, Nebraska. For that reason and others, there isn't a systematic way of classifying firms. One person's “small firm” houses less than 20 attorneys, another's less than 50. In New York, it might be less than 200 or 300. The size issue is also complicated by the fact that some firms have more than one branch. While that firm as a whole may be large, each branch might work more like a medium-sized firm.

Another matter related to size can be characterized as scale or scope: local, regional, national, or international. Local, national, and international categories are probably self-evident. A regional firm is best illustrated with some hypothetical examples. An Atlanta-based firm with one office might be one of the top three firms in Atlanta and have good name recognition throughout the South, but not beyond. It could also be a firm with several offices, all in the Midwest or a Silicon-Valley based firm that grew up on tech-based projects and opened offices in other cities with a strong IT presence.

Large firms tend to be suited to offer more services for one-stop shopping. At a large firm providing the full range of legal services, it's more likely you will have colleagues working outside of the fields of patent and IP law. This is especially true in business rather than personal law—corporate law, international trade, banking, etc., as opposed to family or personal-injury law.

Given the size of the intellectual property field, it's also possible to work at a (relatively) large IP-focused boutique firm, where you might have colleagues working in IP-related fields like antitrust, FDA, and licensing. In either case, you will most certainly have colleagues working in patent law.

Working at a large firm offers several generalizations that working at a smaller firm doesn't, and vice versa. These generalizations can be misleading for patent-law professionals because the small-versus-large distinction is more complicated by the presence of larger boutique firms than in other fields.

In general, the smaller the firm, the less pay—as well as the less expectation that you will rack up enormous quantities of billable hours. However, if you are working in a specialized and high-status boutique firm, that may not be the case.

In general, people in smaller law firms tend to be more multi-faceted and wear more hats than people in larger firms, who tend to be more focused. However, if you're working in a small boutique firm that focuses only on, say, patents related to genes, the range of “hats” you will wear will still be quite narrow. Also, in a larger firm, while you're more focused within any one position, there is often more opportunity to move around within the firm. Thus, in the immediate sense, employees are more focused at larger firms, but over time they might not be.

Larger firms tend to have more status than smaller firms. On the plus side, the experience at a larger firm looks good on your resume. On the negative side, it's harder to make partner and your job is less secure. Again, if you work at a very well-known, prestigious boutique firm, you may enjoy the status (though possibly in smaller circles)—and you may also suffer from the lack of security.

Larger firms tend to have more bureaucracy. While at first glance, that may seem like a bad thing, it's not *only* a bad thing. *Bureaucracy* is, after all, a black-sheep cousin of *system*, and systems definitely have their advantages. You may feel like you're only suffering from bureaucracy, but you'll also benefit from it, in the form of predictability. You'll know what to expect and will be reasonably assured that it will happen. You can also benefit from increased administrative support systems.

Small firms tend to be more collegial, and small boutique firms may be even more so because of the shared interests among the people working there. At large firms, you might not recognize all of your colleagues, and you're more expendable. On the other hand, the smaller the firm, the tone is more often set by one or a handful of people at the top. Occasionally at boutique firms, which are often run by the firm's founders, there can be a "cult of personality" dynamic at work. If the people at the top create a good working atmosphere, that's great. If they don't, it's easy for one or two dysfunctional people to render the entire workplace toxic and make your life miserable. At a larger firm, you may be more protected from this dynamic by the deeper hierarchy (your immediate supervisor protects you from the crazy partner, or vice versa), by the ability to transfer within the firm, and simply by the presence of more people to act as a buffer (or hide among!).

For entry-level employees in particular, large and small firms offer different experiences. If you work at a large firm, you'll likely be expected to focus on one specialty as your career progresses. But for a newbie, big firms can afford more opportunities to try new things. You might work for Partner A, who does litigation, and rotate over to Partner B, who prosecutes patents—or with Partner X, who works with big-name industrial clients, and then rotate over to Partner Y, who specializes in government work.

The advantage of working in a smaller firm is that you'll likely be given more authority and autonomy sooner. That's because larger firms are more likely to have a deep hierarchical structure and systematic ways of supervising and mentoring (on the "pro" side), and monitoring (on the "con" side) inexperienced people. Also, fewer people means less people to watch over your shoulder and express their input or, more drastically, re-do everything you do.

At this point, you are developing a better sense of how choices in the field of patent law map onto your personal values and goals as articulated in Chapter 1. You probably have an idea of what you'd ideally like to do, or at least some avenues you'd like to explore more thoroughly (and possibly some you're pretty sure you don't want to check out). Of course, finding the perfect match for that ideal job depends upon things like the size of the market you're working with. Do some investigating to find out what's out there. But before you get yourself in too deeply, you need to get your ducks in a row so you're ready when you find that job—or it finds you. That is the subject of the next chapter.

NOTES AND TO-DO LIST

Chapter 3: Creating Your Resource Portfolio

In addition to doing some soul-searching to prepare for your job hunt, it's helpful to do some document preparation. Documents range from lists of people you know or firms you're interested in, to scripts or other texts you want to keep in mind, to business cards, to the ubiquitous resume and cover letter. Many job search authorities have a particular recipe for the top ten things you *must* prepare in advance of actually beginning to search for jobs. Recognizing that even within the field of patent law, people come from a range of backgrounds and bring to their job searches different qualifications, work histories, and strengths, we take more of a brainstorming approach.

Virtually every job application requires a resume, a cover letter, and references. Enough jobs require writing samples that it's useful to have one or two handy. Beyond that, what you choose to prepare is up to you and depends upon your personal characteristics and skills, so tailor the advice in this chapter to fit your situation. While you might think of your resource portfolio as a kind of toolkit, its physical existence is probably best organized into a 3-ring binder or file folders, plus a notebook for jotting down brainstorms. Ideally, it's probably most convenient to use *both* a thin 3-ring binder, for quick reference, and hanging files for larger items and things you don't need to refer to quickly or regularly, plus folders for records related to each individual job for which you apply.

In everything related to your job search, this mantra should be droning in your head: *language matters*. The more competition you have for the jobs you're applying for, the more it matters. Potential employers facing a hefty stack of applications look for any reason to thin the herd, and issues that can seem inconsequential can make or break your candidacy. These issues include typos in

your materials, a passage that implies you are lukewarm about the job or would prefer to be somewhere else, or otherwise aren't fully committed to this job. Your candidacy can also be affected by slight discrepancies between your work history as articulated on your resume and in the cover letter, or any indication that you have traits that would make you less than ideal as an employee. While these flaws might not exist objectively in your materials, it's the perception of the person reading your application that matters. You may have excelled in school, have a lineup of former employers willing to say that you walk on water, and be superiorly qualified. Yet, all of these things can be virtually erased by a slightly shoddy (say, two typos) or lackluster written or oral self-presentation.

This fact, of course, could make anyone utterly paranoid. Indeed, one of the harder judgment calls you have to make is where to draw the line. On one hand, should you be utterly precise, writing and editing your materials for eagle-eyed, over-interpretive readers who are looking for an opportunity to trash your application? On the other hand, you could become completely paranoid and paralyzed by the crazy dynamics of the situation. It's not about whether or not you are obsessive about your language, because you *should* be obsessive; it's about drawing the line between productive and unproductive obsession.

There are also things you can do to mitigate the paranoia factor:



You're already doing one important thing in your job search process—getting advice. Get good advice about the job search process by reading books, researching online, and talking to whatever contacts you have. This will help you to isolate what's important and what's not important, so you can be obsessive in a targeted way.



Find one or several people you trust and have them look over your materials. Make sure they aren't people who will correct your grammar and then tell you “looks great!” You need people who can imagine themselves as potential employers, and will honestly pick apart your materials, using perfection as their standard. (If the people in your life who can do that aren't necessarily great at

grammar, go ahead and use “looks great!” readers for the grammar help.)



Finally, while you’re preparing, don’t lose sight of who you are. Sure, you want to portray your best self in your job materials, but you don’t want to be anyone other than yourself. Imagining all of the potential readers and their over or misinterpretation of you is a centrifugal force. Counteract that with your own centripetal force. Do what you need to do to take care of yourself and remain centered on both professional and personal levels.

Your Contact Information

Because virtually everything you send out related to your job search will include ways to get in touch with you, spend time strategizing about how you want your contact information to work before you put together all of your materials. Consider the following issues first.

Address: Your “snail mail” address is used less often than it used to be: potential employers tend to use email or telephone to reach you. However, you still need to list a working address, one where you check the mail daily. Keep in mind that the address(es) you include communicate messages about you to potential employers. If your resume includes only a home address, it sends a message that you do not currently have a job or that you are being *extremely* discreet about your job search. Neither is necessarily a problem, but depending upon your individual situation, they’re worth considering. If you include the address of your current place of employment, mail may get sent there. Consider the *real* risk of potential employers sending mail to you at work: Do your current employers know you are looking for work? If not, will an envelope from a potential employer arouse suspicion? Is there a chance that a coworker might open your mail? If you believe that there is truly a risk in including your current work address on documents like your resume, don’t do it. If there isn’t a risk, go ahead and leave it on there.

Telephone number: Your contact information should include only phone numbers where you actually answer the phone (or at least check messages very often). As with your work address, consider whether your work phone is private, and don't list it if you think it's not. With your home phone number, consider who might potentially answer your phone. Could it be a screeching four-year-old or your roommate who's a little too chatty when answering your calls who might forget to leave you a message? If those are possibilities, don't list your home number. In fact, the job search is an ideal time to use your personal cell phone number, where you have control over answering it and can benefit from having a clear caller ID displayed. Whatever telephone numbers you provide to potential employers (or, for that matter, people with whom you are networking), make sure that *all* of your outgoing messages sound professional. It's not unheard of for potential employers to contact people at phone numbers they *haven't* offered, especially today when it's so easy to find contact information on line. This is especially true of your current work number, so be prepared for the possibility that you could be contacted at work, even if you haven't invited people to do so.

Email: Email is the communication form most likely to be intercepted and read by current employers, so it should not be considered a confidential medium. If you don't have a private email address—or if you have one, but your user ID is your childhood nickname or an inside joke—get a new private email address for professional purposes. Your current internet service provider may offer multiple email addresses attached to your account, so you could create a new email specifically for your job search. Or, if you are considering creating your own website, you can associate email addresses with the website. For example, if you decide to invest in a website with your name (www.JaneSmith.com), you could set up an email address like Jane@JaneSmith.com.

Website: Speaking of websites, it's becoming more common for job-seekers to create their own professional websites. This option is both a contact point and a possible item for your resource portfolio; the ins and outs of websites are discussed later in this chapter.

Your Job Hunting Resource Portfolio

Some of the items discussed below are documents intended to be handed to potential employers or other contacts. Some are for your personal reference, to make sure that you have the information and ideas you will need to be prepared for letter-writing, interviewing, and communicating with people about your job search.

You definitely need to have the following documents:

- A. A resume
 - B. A cover letter, different versions of a cover letter, or a cover letter “skeleton” that you can tailor to different jobs without having to start from scratch
 - C. A list of people willing to act as references
-
- 1. At least one writing sample
 - 2. Positioning statements with several variations, and
 - 3. Well-organized records of what you have done in your job search, who you have contacted, and so forth.

Items A, B, and C are listed using letters because they are discussed elsewhere: resumes and cover letters in a separate document, and references in the next chapter. Here are more details about the other three items.

1. Writing Sample(s)

Although not all potential employers want to see a writing sample, it’s fairly likely that you’ll be asked for one at some point in your job hunt, so you should prepare at least one writing sample. The length and genre of the writing sample will vary according to your field/specialization, the type of patent law you will be engaged in (relatively more technical or more persuasive), and your background (if you’re fresh out of law school, you won’t be expected to have, say, an actual patent application that you filed).

A good guideline is to see the writing sample from potential employers' perspective. The most important thing they're trying to learn is not how well you *have* written, but how well you are *going* to write if you come to work for them. With that in mind, put yourself in potential employers' shoes, ask yourself what you'll be writing (and if you don't know, give your best guess), and prepare writing samples that match or approximate that writing as closely as possible. In patent law, almost all employers will want to see some demonstration of your technical writing skills. If applicable to the job you're applying for, you may want to call attention to skills, like legal writing, research (including accurate citation/documentation), analytical abilities, and/or persuasive skills.

If you already have one piece of writing that clearly stands out as writing-sample material, use it. If a few come to mind, you may want to prepare more than one; then, when asked for a writing sample, you can pull out the most appropriate one for that particular job, or you can describe the options to the potential employer and let them choose which one they'd like to see.

So, beyond choosing what you're going to use as a writing sample, how do you need to prepare it? I strongly recommend these tips:



TIP Proofread it *to death*. That includes looking for typos, misspelled words, and grammar and punctuation errors. You also need to pay close attention to the visual elements of the document: look for formatting inconsistencies, weird spacing, and so on. Proofread it a million times. Have friends and relatives proofread it, too.



TIP Make sure the length is appropriate. Some employers will simply ask you for a writing sample. Others will specify length. The length of requested writing samples rarely falls outside of a range between 7 and 30 pages, and for a generic writing sample (i.e., one where the employer doesn't specify a length), 10-15 pages is usually ideal.



TIP It's great if you have a writing sample that's the length the employer wants, but what if yours is too long? Your first impulse may be to give employers the first part of the document, or to give

them the whole document and tell them to stop reading after a certain number of pages. A better approach is to scour the document for those portions that best reflect the writing you will be doing and provide that excerpt. If you take this approach, you need to contextualize the excerpt for the potential employer. You can do so in one of two ways: provide a summary of the whole document and indicate which part the excerpt comes from, or summarize only those parts of the document you *don't* excerpt. Think of the second approach as the “previously on” and “next on” segments of a television show. If you take the former approach, you probably want to include the overall summary on a title page. If you take the latter approach, you might want to use the title page to explain what you're doing, e.g., “The following pages are the X section of document Y. In order to contextualize the section, it is preceded and followed by summaries of the document before and after the excerpt.”



TIP Make sure it's current. Don't use something you wrote ten years ago, or five years ago when you were still in law school, as a writing sample. In some cases, it's appropriate to revise earlier writings to reflect your current writing abilities. For example, if you wrote patent applications as a patent agent and then spent three years in law school, you can dust off an old application, review it, and edit it so that it looks like something you might write today. If you do so, it's a good idea to explain that on your cover page, as well.



TIP Make sure you don't breach confidentiality. Some documents related to patent law will present confidentiality issues—generally related either to the “law” side (e.g., attorney-client privilege) or to the “patent” side (e.g., technical secrets). If you have any concerns about this, remove identifying information from the document. You can substitute generic identifiers or pseudonyms. Either way, indicate on the title page that you did so.



TIP Try not to use a writing sample which requires you to explain length *and* editing for timeliness *and* editing for confidentiality. It will appear like you're hemming and hawing, or making excuses. You should contextualize the document and be ethical about your self-presentation—but you should also cut to the chase.



TIP Format it for your purposes. That includes (1) attaching a title page, especially if you are including any contextualizing notes; (2) creating a header that includes your name (last name only is okay), the words “writing sample,” and a brief title, if appropriate.



TIP Save it as a pdf document. On most computers, you can do this by sending the document to print and then choosing “send to pdf” in the dialogue box. Because saving the document as a pdf basically preserves the document as a series of pictures, it ensures that what you formatted stays that way, whether you’re printing it out to give to potential employers, or emailing it to them (they may not have the same computer settings and/or fonts that you have). In fact, it’s a good idea to save *everything* in pdf format, including your resume and cover letter.

2. Positioning Statements

Job seekers are constantly asked to articulate who they are, what they have to offer, and what they want. It is useful to have several variations of this information on the tip of your tongue. You will have to do so in both written (e.g., cover letter) and oral (e.g., interview) form. Think about who you might come across as you live your life, network and make contacts, as well as in the targeted progress from initial contact with a particular employer to receiving an offer. Imagine telling those people about your situation.

The classic example of a positioning statement is the “elevator speech”: you find yourself in an elevator with the person best positioned to give you exactly what you want, and you have only this one elevator ride to convince this person to do so. There are more and less subtle variations of the speech. On one extreme, how do you make the pitch to this person? On the other, how do you make the most progress toward getting what you want while remaining within the constraints of idle elevator chitchat?

In order to be as effective as possible in a range of settings, prepare versions of your positioning statement or elevator speech that vary in the following ways: (1) length, (2) degree of formality, and (3) level of technicality or specificity. When considering length, think in terms of

seconds, not minutes. (A good analogy is commercials: have you ever seen a commercial that seemed to go on forever? How long do you think it really was?) Variation in formality and technicality is useful for the range of contexts you might find yourself in. When you're chatting with Edna over coffee at your church and find out that her daughter-in-law runs the boutique firm where you'd love to spend the rest of your professional life, you don't want to whip out the speech you prepared for people at the recent professional conference you attended. In that setting, you'd want to summarize what you do in a quick, informal, and non-technical way. Along similar lines, if you run into that person who runs the boutique firm at a barbecue where you're both chasing after your kids, you are going to sound like you're coming on way too strong if you go into High Oratorical Mode. In that context, although you should be informal, you can probably be quite technical.

You will be best prepared for this sort of situation if you think about, *write down* and *practice* potential "elevator speeches." This might fill many people with horror, but it's much better if you do so. Although it might feel like it is sucking the life out of your speech acts, in reality, if you have your speeches fully internalized, it opens you up to be more natural when opportunities arise.

3. Records

The precise kinds of records you will keep depend upon how you approach your job search—whether you focus on networking (and if so, whether you contact many people or a few), whether you send out many applications or few, and so on. Here are some records you should definitely keep:

1. Contact lists. You might want two lists: one of people in your personal network, and one of people you don't know but plan to approach. It's a good idea to write down each person's name, contact information, title, and how you know that person. You may also want to have individual folders for contacts who are part of your more intensive networking efforts.
2. Files on individual positions you apply for and on individual organizations you target as good places to work.

3. Logs of all of communication related to your job search, including date, person, and notes about the content of the communication. These logs may or may not be part of other files—that is, you might file all of your communication related to a particular firm with other material related to that firm.

Other Useful Items for Your Resource Portfolio

In addition to the essential components of your resource portfolio discussed above, you should also consider the following components.

Important Stories

Whether you're networking or in interviews, the job search process will require you to come up with stories about yourself—stories that illustrate your most significant accomplishments, the things you're most proud of, times you overcame particularly thorny problems or people who were difficult to work with, or the kind of person you are. Think of the number of interview questions that ask versions of “what are your strengths and weaknesses?” or “what’s your most significant accomplishment?” or “tell me about a time when you dealt with something difficult.”

The more stories you have on hand, the more successful you'll be. If you identify your most important or interesting accomplishments ahead of time, you won't find yourself in an interview frantically flipping through your rolodex of memories, grabbing at the first thing that comes to mind. Instead, you'll have the best examples ready, knowing exactly what to say about those examples, and you might even be able to throw in some rhetorical flourish or humor. Everyone loves a good storyteller, and you can be a good storyteller if you prepare ahead of time.

For each story, you will want to: (1) set up the situation by identifying the challenge you faced, (2) describe both *what* you did and *how* you did it, (3) convey what resulted from your actions

(in concrete as opposed to abstract terms), and (4) indicate what the story illustrates about you and what a great employee you'd be.

Business Cards

If you currently have business cards and you want people to use the contact information printed on them, use them if it's appropriate. In that case, you're all set. If not, you may want to have some made, especially if you are going to be doing a lot of networking.

It's remarkably easy and inexpensive to create professional-looking business cards. You can design your own or pay a professional to design them for you. If you want to design your own, many computer programs come with business card templates. Or you can simply set the paper size to 3.5 inches wide by 2 inches tall in a word processing program. If price is an issue, you can often get high-quality business cards printed at a local print/copy shop much less expensively than at a chain like Kinko's. You can also buy letter-size business card sheets at many office supply stores. Beware, though, that these often have obvious perforation marks when the pages are broken down; try to purchase sheets that don't use perforations, or if you can't avoid them, try to trim them off.

In designing your cards, don't over-decorate with graphics or words. Err on the side of professionalism, which means allowing white (or whatever color) space to exist on the card. It also means erring on the side of being boring. If you want to do something visually interesting, a good guideline is to carefully choose *one* design element—a color of text or paper, an interesting font, an unusual alignment, a logo or other image, even a line or a shape—and then use it like you mean it. One strong design element sends a confident message.

Include all of your contact information. Give yourself a title. It can be "Patent Agent" or "Patent Attorney," or something more specific to your particular situation. You can also create a tagline. Don't go overboard; be descriptive. For example, you could write your name on the top line, your title on the next line, and "*specializing in x, y, and z*" on the next line.

While you're thinking about the aesthetic choices involved in business cards, consider the possibility of creating your own letterhead and even envelope design. (Envelopes are less important because they're usually opened and discarded immediately.) It doesn't have to be a complicated design endeavor. What *is* useful is to create some consistency between your stationery and your business cards (and even your resume, but only if that works well). You can usually add whatever design elements you use on your business cards, or similar design elements, to the word processing program you use to write your cover letters.

A Website

Another resource to consider is creating a website specifically for your job search. Doing so can be a fantastic branding tool: you can make aesthetic decisions, include any information you'd like, and so forth. A website can provide potential employers with an opportunity to get to know you better. You can post job-related information on a website, including downloadable writing or other work samples, positioning statements, biographical material, and, of course, your resume. It's an opportunity to include all of those things that you wanted to put on your resume but had to leave out in order to keep it brief. You can use design elements that match your business cards and other materials. Despite all of these advantages, there are several things to watch out for:

1. Make sure that your professional website is just that: professional:



TIP

Avoid informal language and content.



TIP

Don't link to websites that aren't professional (for example, family members' or friends'); in fact, you may want to avoid links altogether unless they're important to your overall career package.



TIP

Of course you want your site to look elegant, but be careful about overdoing aesthetics and bells-and-whistles. If your website is over-designed, people may think that you're trying to use style to overcome a lack of substance. Or, they may not like your taste.

2. Consider whether you will be able to maintain the site at the level of professionalism you would like. Especially, consider whether you have both the time and the technical know-how to keep it updated and address any glitches that come up. Any edge that having a website can create for you can be more than undone by a shoddy site or one that doesn't work. If you're not sure that you can maintain the website, hire a professional or forego this aspect of your resource portfolio.

While we are on the subject of websites, now is the time to locate and eliminate any incriminating evidence of yourself on the web. Google yourself and see what comes up. While you're at it, do a Google image search. Search using all variations of your name. Look on sites like Facebook, MySpace, and YouTube. If there is anything on the web that you don't want there, see if you can do anything to get it deleted, or at least to have your name dissociated from it.

There are a potentially limitless number of resources you can gather and develop before launching your job search. In fact, even the nine items listed here could turn into a full-time job. You could develop an all-out brand identity for yourself complete with logo and matching stationery, letterhead, business cards, and websites. You could create a blog to go with your website and spend hours a day working on it. You could also write a hundred positioning statements and important stories. Any of these things could help you get a job.

But don't get stuck here! You have everything you absolutely *need* in those first six items, plus some potential useful things in the three recommended ones. Spend a little time putting them together, and recognize the line between perfectionism and getting into a rut. There is usually plenty of time to polish your important stories or your stationery as you begin your job search, and it's likely that unexpected factors—for example, unique requirements of a particular job—will require you to work on your materials a little differently than you originally anticipated.

Speaking of expecting the unexpected, the next chapter discusses the aspect of your job search that you have the least control over: your references. There are three ways to get good references: (1) make potential employers so excited about you that anything your referees say will make them

happy; (2) get lucky and have references who say exactly the right thing; and (3) prepare your references and gently coach them to say the kinds of things you'd like them to say. While the majority of this document is about how to create that first situation, the next section provides a recipe for finding the right references (which may create the second situation) and for doing that crucial prep work that can make a difference between a bad or okay reference—a referee sounding lukewarm or misrepresenting you on a large or small issue—and a terrific one.

CONTACT LIST			
NAME	TITLE	CONTACT INFO	RELATIONSHIP

NOTES AND TO DO LIST

Chapter 4: The Art of the Reference

In the legal field, potential employers don't typically ask for references until after an interview takes place. Don't volunteer references on your resume or in other ways until you are asked for them. (And you don't need to write "References available upon request" on your resume, either; that's assumed.) When they do ask for references, they'll usually want two or three, although some employers will ask for more or fewer.

You need to prepare more than three references for a number reasons, including the following: one or more references may be unavailable when you need them; employers may ask for more than three references up front, or they may ask for additional references after hearing from the first three (for example, they're getting mixed signals).

You may also want a variety of references from people who have known you in different capacities. For example, you may want references who can speak to different aspects of your technical knowledge or different aspects of your legal knowledge. The latter is especially the case if you are applying for different kinds of jobs (so that you can adjust the portfolio of references you choose depending upon the type of job) or if your career has a complex trajectory (so that you can include references from a relevant cross-section of that trajectory).

Selecting References

The first step in creating your list of references is choosing whom to approach about being a reference. The people you select should know you well in a professional capacity and should ideally be former or current supervisors.



TIP

If you are fairly recently out of school, you can include teachers, but choose those teachers most able to speak about you as a professional as opposed to as a student. This might mean teachers for whom you have done research or other work, or it might mean those you think perceive you as a professional. The risk that you are trying to avoid, especially if you are young, is that the teacher/student dynamic can easily come across as an adult/child dynamic.



TIP

Avoid selecting references whose *primary* contribution would be their name; that is, “celebrities,” whether they are community leaders or people well-known in the patent law field. It’s fine to use well-known individuals as references; just make sure that they can actually be references and won’t just murmur vague things about you. Substance is key to good references. Remember that your relationship with a well-known person may be deceptively asymmetrical. For example, maybe you had an internship three summers ago with Famous IP Lawyer. You did some of your very best work for that person, and you got positive feedback, as well. But famous people are usually surrounded by overachievers doing their best work. They have multiple demands on their time, and might use kindness to obscure the fact that they’re not actually paying attention. Just because *you* remember Famous IP Lawyer, don’t assume that Famous IP Lawyer remembers you.



TIP

Some job seekers think they can weed out bad or ineffective references by asking people if they’re willing to be references. *Do not* ask people to be references and assume that the response “Sure, I’ll be a reference for you” means “Sure, I’ll give you a glowing endorsement” or even “Sure, I’ll be a good reference.” People who are asked to be references often assume that you are asking them because you’re one of the three best options they have. Take, for example, a person who feels favorably disposed toward you but frankly doesn’t really feel that they know you well

enough to provide the substance potential employers want. That person may encourage you to find others who know you better. But it's just as likely that the person will think, "Wow, I really don't know [Candidate] that well. But if he had better options, I'm sure he would have asked them instead of me. Poor guy!" and then agree to be a reference. In fact, such a person would probably *not* encourage you to find others who know you better, because they'd be worried about hurting your feelings!



Choose people you trust to take the time to understand your job search and to say positive things about you. (This is another reason to avoid celebrities.) You're going to give your references information about you and your job search, and you don't want them to depart too much from the script. There are many opportunities for references to misstep and provide information that is not helpful, or even extremely harmful. Giving references information can help to mitigate the problem described above: people who don't feel they know you well enough to be a good reference can use the information you give them to "thicken" their description of you.



If your current employer does not know you're looking for work, be *very, very* careful about whom you approach as a reference. People are not good at keeping secrets, and it can be a very small world out there: you have no idea who knows whom. Think about whom you can trust. We tend to assume that we can trust those closest to us, but that's not necessarily the case. Even if your supervisor at your current job is your best friend, if that person has divulged confidential information about other people, don't assume that you are safe just because of your friendship.



Along similar lines, you do not *necessarily* need to include references from your current place of employment. If you have enough relevant background, some potential employers will accept references from previous employers and not current ones. Other potential employers may agree to hold off on checking current references unless and until you are given the offer.



Don't ignore the obvious and hope it will go away. If your most recent employment involved five years working under supervisor X, potential employers are going to be suspicious if you don't include supervisor X as a reference. In fact, they may contact supervisor X even if you don't volunteer that person as a reference (and they may or may not let you know they're doing so). The exception is when supervisor X is your *current* supervisor *and* the potential employer knows or assumes that supervisor X doesn't know you're on the market. If you don't think that you can get a good reference from supervisor X, be proactive about the caution flags that person's absence from your reference list will raise.

First, be prepared to explain why supervisor X isn't on your list. Have an explanation that will not force you to lie, but also one that casts you in the best light possible. Second, locate someone who is the next best thing. Speaking metaphorically, if supervisor X was your "parent" at the organization, is there a "grandparent" (the supervisor's supervisor), or "aunt" or "uncle" (someone organizationally very close to the supervisor and above you in rank), or "great aunt or uncle" (you get the idea) whom you could turn to instead? Ideally, you will be able to combine these two approaches, offering an alternative reference and explaining in a convincing and flattering (to you) way why your immediate supervisor is not a reference.



There is some controversy around the question of whether all of your references must be from people who were your supervisors or whether it's okay to include peers among your references. If you can get a slate of three or four informative and supportive references by approaching only superiors, it's probably best to stick with them. Don't use more than one peer as a reference, and if you do, be sure to prepare that person in the same way you'd prepare a superior, especially if that person is close to you. It's remarkable how much general enthusiasm for you as a person can cause people to forget that they need to mention specific strengths of yours and things you've done.



Be aware that some organizations, including law firms, have policies that forbid them from providing references. They may only be willing to verify that you worked at such-and-such organization for X period of time. Take this into consideration when compiling your reference list. If it's important to include a particular individual on your reference list, but that person won't be able to disclose any real information, make sure your other references will be able to speak more freely. You may even want to indicate that that's the case on the reference list itself or in person at the time you provide the references to the potential employer.

Preparing Your References

Once you have chosen references, you need to do two things: first, ask them to serve as references; and second, educate them about your situation and your search. The first item is pretty straightforward. In fact, the main idea when asking them to be a reference is that you need to use the opportunity to start doing the second item, educating them.

How do you go about educating your references? It's best to work backward from what the references will be asked. The list below is worth keeping in mind whenever you deal with references. *When potential employers call for references, they are going to want to do some combination of the following:*

- (1) Verify that you are who you are and that you've been accurate in your self-representation;
- (2) Get an evaluation of how you are to work with;
- (3) Make sure that you are a good "fit" for the position;
- (4) Find out why you're leaving your current position; and
- (5) Coax the reference to volunteer other information (which might reflect well or poorly on you, and might be explicitly stated or communicated in more subtle ways.)

The more your references understand your situation, the better prepared they will be to provide substantive references and the less likely they will be to undermine you. Most undermining does not occur deliberately, but inadvertently, when references misrepresent your situation or emphasize the wrong things about you. Even the most well-intentioned references can damage your chances of getting a job. In fact, in some ways, they're more likely to do so, because they'll be trying to say the "right" thing. For example, they might discuss how ambitious you are, or how well prepared you are—to do something that you wouldn't actually be doing in a given job. Or they might really come to your rescue, explaining discrepancies or gaps in your employment or education

history, or why you're leaving your current job—in ways that contradict how you have explained those issues to employers.

When dealing with references, especially those who don't see you all the time or haven't seen you in a while, and those who are especially busy, it's useful to remember the motto “simplify and repeat.” (That slogan is generally attributed to Goebbels, Hitler's minister of propaganda; as IP professionals, let's just appropriate it without thinking too much about its origins.) Your first opportunity to do the repeating is when you ask for the reference, so take advantage of it by summarizing your situation. Make sure that the summary is appropriate to the individual you're talking to. Your Master's thesis supervisor in molecular biology who may or may not remember that you went to law school after you got your degree, is going to need very different information than the partner at the law firm where you worked last summer.

But don't forget the “simplify” part: if you overwhelm the person with information at this stage, he or she will either forget all of it or remember random things that aren't necessarily what you would prioritize. Look at that list of five reference topics and identify the two, three, or at most four *points* (not topics, points) you would like your reference to know or remember and make sure to mention them during your summary.

When you contact your reference, you should also verify the person's contact information—snail mail, email, phone number[s], possibly fax number—and title. You need to make sure that you accurately reproduce their contact information, their current employment information, *and* their employment information from the time when the two of you worked together (if it's different from their current information.) Don't forget that the person's title or position may have changed without your knowledge. When you email that Master's thesis supervisor, for example, you may not know that the person is now a full Professor, or Department Chair, or the Such-And-Such Distinguished Professor in the Sciences, all of which could add a little welcome glitter to your reference list—or, on the other hand, be embarrassing if, in our small world, your potential employer happens to know about the Distinguished Professor thing, but you don't.

In addition to verifying that you have the reference's correct information, find out what contact information they prefer you to use (or avoid). Just because you have the reference's private cell number doesn't mean you're entitled to pass it along to a potential employer. On the other hand, some references may actually prefer to speak with potential employers on their cell phones. Especially for academics or retired references, but also for other references, as well, their office phone may not always be a good place to catch them during business hours.

What You Give to Your References Right Away: Your Reference Packet

Having summarized your situation to each reference, you should now send them information about your job search. Send them a copy of your resume and a one-page summary that addresses items on that 5-item list above. It should *not* address the 5 items directly; it *should* provide information that will enable the reference to address those issues. Here are some additional tips on producing the summary:



Make it very clear and readable, and don't let it get too busy with text. Imagine the person on the phone with the potential employer. They pull out the piece of paper, which they haven't looked at in six months. On top of that, on this particular day they have the flu, so they're not in peak form. They need to be able to retrieve all of the relevant information *while* they are on the phone providing the reference.



This is your opportunity to remind them how terrific you are, how well you work with other people (including the reference but also other co-workers), what you accomplished when working together, and so forth.



Use bulleted lists that clearly illustrate your accomplishments, skills, and other strengths, especially when you worked with this person. Make sure the items in any bulleted list are things that belong in a list—i.e., discrete items, but things that belong together. You don't want the

reference to paraphrase your list and then reach item #5 and start stammering when they realize it's an apple in a list comprised otherwise of oranges.



Don't be afraid to be directive. References *like* to have information about what you'd like them to say. Feel free to tell your references something along the lines of "I think potential employers will be interested in X, and as my former supervisor, you're in a position to discuss it," or "I asked you to be a reference partly because we worked together on project Y. If you recall, we accomplished: A, B, and C. I'm especially proud of that because it enabled me to develop skills in, or take advantage of my strengths in, or show that I can overcome: 1, 2, and 3."

Depending upon your relationship with the reference, you may want to include additional materials. For example, if a document that you intend to use as a writing sample is something you wrote while working with a particular reference, you may want to include a copy of it. Or you may want to include copies of some of the best work you did under that reference. *Do* send information that you think will jog the person's memory about the specifics of your relationship and your accomplishments; *don't* send extra stuff that the referee won't know what to do with.

Once you have prepared your resume, the one-page summary, and any other material you're including in your packet, send it to your references via email *and* snail mail (unless you have reason to think that's a bad idea). Some people appreciate having a hard copy, and some people appreciate having an electronic copy that they can store on their computer. Few people resent being offered the same information in two different media.

After sending the information packet, the number of times you communicate with your references will depend upon how many times they're asked to provide references, how long your job search process takes, and how close your relationship with them is. Some references will want to hear about every stage in the process, get information about each job, coach you on the interview process, and debrief after each reference call. Others will feel like you're nagging them if you take any more than a very minimalist approach. Try to read them as best you can.

Also, you can simply ask references how they'd prefer you keep in touch as the process unfolds. Some references never seem to have time to have a conversation, but they really do welcome an email or phone message reminding them that a potential employer may be calling or updating them on how you're doing.

What You Give to Your References as You Go Job-Specific Information

Some references with whom you are especially close may want to keep abreast of everything about your search. You might contact some of your references for advice about particular employment opportunities about which they are especially knowledgeable. So, you might be in touch with your references for purposes other than alerting them about reference calls.

Either way, make sure that you communicate with your reference immediately upon giving the reference's name to your potential employer. Better yet, let your reference know *before* you send contact information to the potential employer: some employers are eager to get the job search wrapped up and will pick up the phone immediately upon receiving reference contact information.

When you speak with your references, let them know about that particular job. Make clear to them, especially, what about the job most appeals to you. Review with them the material in the packet you sent, highlighting any points that are especially relevant to this job and making sure they understand anything about it that does not line up with your ordinary perspective. For example, perhaps your search has been focused on prosecution, but this is a litigation position, or it's an in-house job in a job search that has otherwise focused on law firms. Make sure they're aware of these anomalies so that they don't misrepresent your interests and intentions.

What You Give to Potential Employers Making Up a Reference-List Sheet

Your list of references should look like an addendum to your resume—not in the sense that it should say “page 3” on it, but in the sense that it should be visually consistent with your resume. Presumably, your resume includes your contact information at the top of the page; use the same header for your reference list. Also, use the same fonts, the same approach to emphasizing the more important items (usually font size and heaviness/boldness), and roughly the same spacing. Useful information includes each reference’s name, current title, contact information (including phone, email, and snail-mail addresses), and a brief statement of who they are in relation to you and/or why they are a reference. If they had a different position when the two of you worked together, specify it here.

Sometimes potential employers ask you to provide your reference list in person, but sometimes they ask for it via email or on the telephone. They may also indicate during an interview that they’d like your reference information. It’s a good idea to make sure they get something that’s as close to a formal reference-list sheet as possible. Usually the best thing to do is to imitate potential employers’ communication style or match it in terms of level of formality without being *more* informal than them. So, if they use email, you use email; if they use the phone; you use the phone. If they call and ask you for the names and phone numbers of three references without appearing to care too much about the details, you shouldn’t put on an interview suit and schlep over to their office to hand them a formal copy of the reference list. (It’s another story if it’s truly not a “schlep”; if you work down the street and you’re already wearing a suit for work, go for it.) But it is appropriate, if you have easy access to their email, to email them the complete list. If you do so, paste the text into the body of the email *and* include the formatted version as an attachment (in pdf format), unless you know that they are especially attachment-phobic.

What to Do After a Potential Employer Has Spoken With a Reference

Ideally, it's useful to have a debriefing session with each of your references after the potential employer has spoken with them. Although it's extremely unlikely that your references were explicitly asked to keep their conversation with the potential employer confidential, some references will feel that there is an implicit expectation of confidentiality. They may be uncomfortable discussing the conversation with you. (Some may discuss it with you even though they're somewhat uncomfortable; they'll expect you to be discreet about their disclosure.) Other references will be all too happy to tell you exactly what happened.

There are several reasons why it's useful to speak with your references afterward. First, if it's not too late in the hiring process for that particular job, you may be able to correct some perceived flaws or otherwise take action to improve your candidacy. Second, it provides insights that can be helpful when you apply for future jobs: Did concerns come up that you—or the reference—didn't anticipate? Based on what the employer said to the reference, how did you come across in the earlier stages of the process? And how does the reference him- or herself represent how the employer's questions were *answered*? Do you need to redirect the reference slightly (which you'd need to do very tactfully at this stage)?

Finally, be extremely grateful to your references. Thank them verbally after they provide a reference. Better yet, thank them every time you communicate: “thanks for agreeing to do this,” “thanks for making yourself so available,” “thanks for your kind words.” When you have finished the process and accepted a job, you should also send them a nice (though it can be short) thank-you note.

What About Reference Letters?

Written letters of references are almost never used—potential employers usually want to have a confidential discussion with your references—so it may not be worth your time to solicit those. Frankly, people generally hate writing reference letters, so it may not be a good idea to ask your

references to spend *their* time writing letters when they may not be used. If you do end up needing a written reference, it's much more effective if the reference can write a personalized one tailored to the particular job and addressed to a particular person instead of "To Whom It May Concern." With that in mind, if you prepare your references as outlined in this chapter, they should have the necessary information and documentation to produce written references on short notice. If you anticipate you will be asked for written reference letters, you can mention it to your references and let them know that you'll tell them as soon as you hear anything.

Managing your references is, as the chapter title indicates, an art form. It can be delicate because you're asking your referees to do what you ask them to do. The key is to remember that you're not telling them what to say; you're providing them with important information about why you chose them as references. They might know this information already, forgotten it, or they might honestly have no clue why you asked them. For example, you may have worked for a reference for a long time, and there might be three specific events that demonstrate your perfect fit for the job you want, but those three might not enter the reference's mind simply because there were so many things you did during that time. Don't be afraid to be up front!

Congratulations! You have now finished what you need to do to get ready for job-hunting, which is the subject of the following two chapters. You may have noticed that you are more than halfway through this book and you haven't even applied for a job yet. That's how it should be. You should spend a lot of energy getting your proverbial ducks in a row before the job hunt starts. If you do, the process of networking and applying for jobs goes much more smoothly—in terms of the prep and administrative work you need to do, and also in terms of your confident and accurate self-presentation when you speak to people.

NOTES AND TO DO LIST

Chapter 5: Choosing Specific Employment Opportunities

At this point, you have prepared all of your materials—or gotten impatient enough with preparing materials that you want to do some actual job-hunting while you continue to work on your materials. You have also considered the big-picture issues outlined in Chapter One. You're now ready to start making your career roadmap a reality.

Let's start with some good news: in general, professionals in the patent law field are very much in demand. Patent law is a pretty exclusive field. If you have passed the Patent Bar, you are already in a select and coveted group. From the perspective of a job-hunter, it may be the best legal field to be in. Many patent agents and attorneys find jobs with relative ease; it's just a matter of digging in and pursuing them.

Although the tendency is to think that it's harder to find entry-level jobs (for example, legal recruiters generally won't be interested in you), there is a lot that employers like about entry-level professionals. Although entry-level employees generally require training, employers often prefer training a new employee from the ground up over re-training someone who has learned a different way of doing things. Basically, you are a blank slate for your employer to shape as they see fit. Frankly, it's cheaper for firms to hire agents and attorneys without experience. At the same time, though, you will be able to reap the benefits of overall salary increases in the legal field at the time of

hire—so even though it's cheaper for your future employer, you'll typically still be making excellent money.

Because of differences in background, geographical considerations, specialization fields, and other issues, specifics of the job search process vary widely. If you got a PhD, wrote patent applications for a few years, then got your JD from a top-five law school and have no geographical constraints, you're in a very different situation than a patent agent with a Bachelor's degree whose family obligations require them to remain in a mid-sized city. Of course, your approach will vary accordingly. Basically, however, there are four ways to land yourself any job that you'll want to keep for a while:

- (1) find and answer job ads;
- (2) research and contact potential employers;
- (3) work your way toward the job you want; and
- (4) network.

This chapter walks you through the first three of these approaches; networking is covered more thoroughly in its own chapter. Because it is so integrated with career development it crops up in this chapter, as well. Keep two things in mind as you read the different approaches. First, you can always adopt more than one approach. In fact, many job search specialists recommend using as many different strategies as you can. Second, the approaches aren't discrete: for example, option #1 overlaps with option #2 if you go to potential employers' websites to look for job ads; and option #2 overlaps with option #4 in the sense that making contact is always a form of networking. Also, there is a continuum, not a clear line, between directly asking for a job and meeting with someone to chat about the field in general.

A piece of advice before beginning any of these approaches: make sure you keep records of everything you do. That includes contacts of any kind: phone calls, letters of inquiry, any networking you do, and, of course, job applications. It is extremely embarrassing to forget that you have already

communicated with someone, what exactly you included in a job application, what you said in a phone conversation, or any number of other things that you can do during this process. Although you may think that there's no way you'll forget certain contacts or other information, you probably will hit a point in your search where there's too much information to keep in your head, or scrawled on post-it notes on your desk. Unfortunately, you won't know you have hit that point until it's too late.

For that reason, it's helpful to decide *in advance* exactly how you are going to organize your information: Files by employer? Files by approach, or date? Consider whether you expect your search to be "broad" (many different contacts) or "deep" (for example, fewer, more intense networking meetings). It's useful to have records in hard copy, as well as on your computer (the hard copy is close at hand, while computer logs are searchable). Organize your information as you go, whether its notes on a phone conversation or your list of favorite patent law firms. Again, by the time you realize you won't remember everything, it will be too late to reconstruct it.

1. Find and Answer Job Ads

For starters, there is nothing wrong with the good old-fashioned approach of looking in your local newspaper for job ads. Many career counselors and career guidebooks will tell you that the classifieds are not a good way to go; they often cite a low success rate as one reason not to depend on the classifieds. However, patent law is a specialized enough field that if you find an ad that fits your needs, you should definitely apply for the job. It's not something like graphic design, where you might be competing against a hundred other candidates.

On the other hand, it's not *enough* to rely on your local newspaper. Many employers don't advertise available positions through the newspaper, choosing instead more specialized listings (for example, the local legal newspaper or a legal-field specific website) or more general listings (for example, a general-interest job search site like Monster.com or CareerBuilder.com.) Depending upon the scope of your search, and especially on your geographical restrictions, you should combine the newspaper with a more targeted approach like going to local law firms' websites, or a broader approach, like going to legal or general job sites, or both.

As the above examples suggest, one of the many, many effects of the Internet is the multiplication of job-search sites. Your ability to search for jobs online is limited primarily by how much time you have, because you're unlikely to exhaust the possible sites where you can find job ads—though you may get to the point where you are seeing the same ads over again. General job-seeker sites carry patent law job ads and some, including careerbuilder.com, have sub-sites devoted especially to the legal field. Moreover, some local newspaper job classifieds have entered into relationships with some of these huge sites: when you go to the job-ad section of your newspaper's website, it might bounce you to a site like Yahoo Hot Jobs.

There are also many, many job search sites targeted specifically to legal professionals. Here's a small sampling:

Job Search Sites	Website URL
EmplawyerNet Career Connections for Legal Professionals	www.emplawyernet.com
Law Crossing	www.lawcrossing.com
LawJobs.com	www.lawjobs.com
Law Match Marketplace	www.lawmatch.com
LegalStaff.com	www.legalstaff.com
Law and Policy Institutions Guide Career Center	www.lpig.legalstaff.com

An internet search for terms relevant to your job search will reveal many others. These sites often also have sections with advice for job seekers and other potentially useful resources.

Unless you think you're a good candidate for legal recruitment, and most entry-level professionals are not, watch out for legal recruiters' sites that look like general job search sites.

A terrific way to find job ads to answer is to generate a list of all the potential employers in your area and look at their websites. Most law firms (and other organizations, if you're not interested in law firms) list job openings on their sites. It's flattering to let potential employers know that you saw the job ad on their site. It sends the message that you're interested enough in that particular employer to be searching *their* site instead of just trolling the web for ads. In fact, even if you see an ad first while trolling for ads, consider checking the firm's website and responding to the ad as written there. In addition to the flattery factor, sometimes there is more detail in those ads. Of course, if a particular firm is huge and prestigious, or if it's really the only game in town, flattering them this way will not earn you as many brownie points as it will if it's a smaller, less well-known firm.

Responding to job ads tends to be a relatively straightforward process if the job is a good match for your skill set. But what should you do if it's not *quite* the right fit, or if it's a bit of a reach? You may be tempted to submit your application in hopes that the employer will notice you and realize that they actually do need someone like you instead of, or in addition to, the position they advertised. In general, though, that's not a good idea. The people responsible for screening resumes for your position will likely have a very narrow focus. What's probably going through their minds is something like, "*Does this applicant fill position X? No, no, yes, no, yes....*" As they go, they put applications into two piles, rejecting the No's and sending the Yes's along to the next step. In some cases, and depending mostly on the size of the firm and the organizational structure of their HR record-keeping, they may then consider you A Rejected Candidate for some period thereafter, regardless if you're eminently qualified for another position in the firm.

2. Research and Contact Potential Employers

If you are in a position to go into patent law, you're probably a terrific researcher, and this approach may be best suited to you, even as a stepping stone to other approaches. There are two steps to this process: figure out what's out there for you, and contact those targeted employers. Both of these steps involve some strategizing about how best to proceed.

Locating potential employers depends first upon defining the scope of your search. If you're searching locally, the pool is narrowed considerably—unless you're in Washington, DC, or another large market. If you're in a small market and you want to and can be comprehensive about your search, you can go the old-fashioned yellow pages route. Make a list of the firms, and then if you want to narrow the pool, look them up online, finding out about them and the opportunities they offer.

If you're in a large market, the research might be more complicated. Sometimes, larger markets have local professional networks that have websites and listings. You can use a search engine to look for patent law firms (if you want to work somewhere that only does patent law), patent attorneys in your state, city, or geographical area of your choosing (and then you can move from locating individuals to identifying what firms they work for).

What should you do once you've created a targeted list? Obviously, if you go to their websites and they have job openings that fit your qualifications, you should apply for them. Beyond that, your range of options is quite wide. You have both “broad” and “deep” options in terms of making contacts with potential employers. At the “broader” end, you're aiming for coverage, making yourself visible to as many people as possible. Sending your resume and cover letter all over the place is the classic example of this approach. Depending upon the market you're in and your position relative to that market, you may be able to land a job that way.

The resume-and-cover-letter approach is both “classic” and “boring.” On one hand, it has become an institution because it works, and for that reason alone, it should get some respect. People do, indeed, get jobs by sending out resumes and cover letters. On the other, it has gotten tired and clichéd to the point that it can be the best way to guarantee that you *don't* make a blip on someone's radar.

If you are interested in doing something slightly different, a similarly broad approach that has worked for some professionals is to send out a short form letter to each company they want to work for, stating a little about themselves and offering to send more information (i.e., resume and cover letter) if the company is hiring or interested in talking further about possibilities. This works best if you're willing to send out a lot of short form letters—for example, to all the firms in a particular city. While you might think that this approach would not work at the most prestigious firms, it actually can (as can the resume-and-cover-letter).

A middle-of-the-road approach that combines elements of broad and deep approaches is to create a smaller, more targeted list and to write carefully tailored cover letters. While this approach works for some people, it can also be the worst of both worlds. If you're going to write letters, send them to as many places as you can. If you're going to take a targeted approach, it's useful to have the feedback loop or give-and-take that a conversation provides. In general, though, the logic of the approach is that readers of such letters may recognize that you spent some time doing your research and attempting to appeal to their particular situation. If you invest a lot of energy in individualized letters, make sure that they are truly individualized and not simply stating the obvious. Some people spend two to three hours researching a firm, decide it is an excellent fit, then end up commenting in their letters on things like the firm's size being exactly what they're looking for—something virtually everyone who wants a job there will say, even if it's not true. You want the recipient of the letter to appreciate your investment. Also, make sure you send the letter to the right person, or all of your work will simply disappear.

Taking a “deeper” approach means targeting fewer people and spending more time with them. This is really networking—or the “informational interview” approach to networking—so it is discussed more in the next chapter. But here's a brief introduction to how it works. You identify particular individuals at the firms you're most interested in and offer to take them out to lunch to learn more about what they do and their firm. If you choose this approach, focus on the fact that it's an *informational* interview. It's usually best not to raise the subject of employment at all; focus instead on taking them out to lunch and learning about them, their work, and their firm. If they raise the issue of employment, you can follow their lead; just make sure you don't switch into hard-core

job-hunting mode at this meeting. You can also use this approach at firms where you're not particularly interested in working. Those conversations might be more useful because you truly are networking and not feeling like you're at a pseudo-interview. In either case, try to stay in a frame of mind where your primary goal is to make a good contact.

Research on the law firms in your area can also generate other useful information, like the local professional organizations employees belong to, the types of pro bono work firm members do, and more. This can prove useful for your networking, so it's worth investigating.

3. Work Your Way Toward the Job You Want

Unless you are in a position to be offered your dream job right now, you're already working your way toward the job you want. Everyone is. The difference is that some people's routes are more circuitous than others'. Even what constitutes "entry-level" is different depending on things like your previous experience, how prestigious your educational credentials are, and how in-demand your field of specialization is. The least circuitous route is to get an entry-level job that clearly feeds you toward your dream job. Certainly for some people this is a possibility; however, the reality is that most people, during the course of their career will make some lateral moves or backward moves, rather than forward moves.



Whether you're an agent or an attorney, if what you want to do is write patent applications, but you don't have any experience doing so, you may need to start doing something else and work your way into patent writing. You might, for example, start out as a patent searcher at a law firm (or in an in-house or tech-transfer position) and then move into patent application writing later.



Look into internships or clerkships—the more prestigious, the better. Large law firms often have more well-established internship programs, although you can also get lucky with small firms. Both can provide valuable experience to add to your resume, and both can also get your foot in the door in terms of establishing a network. Federal clerkships are generally more prestigious and

will increase your job prospects across the board, while State clerkships are excellent networking opportunities (though limited to the particular state or locality). Thus, if you aren't operating with geographical constraints, you're typically better off in a Federal clerkship or a large-firm internship—or at a small firm with a big reputation. If you know where you're going to be working for the long term, you'll develop better local contacts by interning at a large or small local firm or taking a State clerkship. If you have long-term geographical constraints but are able to leave the area temporarily, you'll maximize the prestige factor of your time away by doing a Federal clerkship or an internship at a very well-known firm. You can also get some terrific experience under your belt at other places; future employers may not have heard of your internship employer, but it does give you more direct experience for your resume (obviously, the more direct, the better).



Start out in a geographical area other than your first choice. Assess the legal market where you'd like to be. Is it hard to break into or saturated with people with your specialty? Or, alternatively, is it so small that you don't know how they'd squeeze you in? Both of those are good reasons to consider beginning your career elsewhere, making a name for yourself, and trying later. Another, related issue is that it's generally easier to pursue a job search locally than long-distance. If you are currently somewhere where the market for jobs is pretty good, but you'd prefer to be somewhere else, where the market is not as good, it might benefit you to get some good experience under your belt and try for your top choice later.



Even if you have your heart set on working at a big, prestigious firm, consider spending some time at a smaller firm and moving to a larger firm once you have more experience.



Even if you want to work at a law firm, consider starting out at a company that has in-house patent attorneys, agents, or liaisons. If you choose this route, be aware that in some cases it is difficult to get hired at a prestigious law firm later. If you have an eventual goal other than working in a company's patent office, it's a good idea to find out where people who have previously held similar positions have gone for their next jobs.



Depending upon what's available in your area, it might be worth pursuing temporary or part-time employment—if it lines up with your career goals in other ways. It's possible to get jobs through temp agencies, although (1) it's lower-status, both in terms of the kind of work you do and how it's perceived, than a direct-hire temporary position; (2) many firms will advertise temporary jobs on their own rather than go through an agency; and (3) the agency will take a cut of your pay. The opposite is true when you find temporary employment on your own. Sometimes, you can get your foot in the door at a higher level than you might with a permanent or full-time position. This is partly because it's sometimes harder to fill such positions with qualified people, and partly because employers are not making as big a commitment with such positions. They may be less conservative about taking risks on a newbie.



A general guideline: make sure anything that is *working your way toward* the job you want instead of *getting* the job you want is clearly heading you in the right direction. The best predictor of whether it is doing so is to find out what people who previously occupied that position went on to do. Any job (or other experience) you take on will put you on a “track”—or sometimes more than one possible track—and you need to make sure that whatever you plan to do moves you toward your long-term vision. For example, if you are looking into working for a company, you may find that virtually everyone who has worked for that company in the past has stayed there until they retired, or has started their own patent prosecution practice, or has moved on to a particular law firm. Obviously, if a significant number of your predecessors have gone on to positions that you'd love to have, it's a potentially good career move to do what they did. This should go without saying, but it's worth reinforcing—if *no one* has gone on to do what you want to do, you should take that very seriously. Perhaps there's a clear explanation that doesn't apply to you. In that case, you don't have to avoid going that route. However, in many cases, and especially if you're looking at a large pool of predecessors, you have good reason to be skeptical.

Although networking is discussed in more detail in the next chapter, it's worth mentioning here that you might have (or develop during the networking process) contacts who can't help you to

get the job you're working toward but *can* help you to secure a really great stepping-stone to that job. Don't forget about that possibility.

Final Advice

During this process, don't forget to take good care of yourself. While job-hunting, it's easy for your usual schedules and routines to fall by the wayside. You might have a meeting here and a meeting there, suddenly discover a website with 45 ads that seem appropriate, or you're stuck playing the waiting game. You can fall into a Purgatory of Unemployment where you not only have stopped exercising but forget to shower—or you think you'll wait to shower until you exercise, but you never exercise. Because job-hunting is not only a potentially full-time job but a potentially limitless process, you always feel like you *should* be doing something. You also feel like you're really busy, but also like you're not doing anything at all. The sense that you're not doing anything can make you feel stressed. For the vast majority of people, job-hunting is very stressful.

Make a commitment to take care of yourself. Schedule time for the gym, massages, long baths, or whatever works for you. Or, promise yourself that every day you will do one thing (or take one hour, or whatever) for yourself. A useful way of strategizing about stress relief is to make sure that you do some things that *activate* you—like working out or doing something else that's stimulating for your body or your mind—and things that *decompress* you—that are just relaxing.

Committing to self-care is important for your well-being, but it's also central to your job search. Even if one (or more) of the three approaches described in this chapter is the focus of your job hunt, you should still be doing some networking. In fact, in some respects, networking is inevitable when you're on the job market.

One of the side benefits of networking is that it involves getting out and interacting with people. It keeps you in the profession of your choice, even if you don't yet have employment there. It also keeps your social skills alive and reminds you that it does matter that you are an energetic, enthusiastic person with a multitude of talents and skills.

NOTES AND TO DO LIST

Chapter 6: Networking

If you ask almost any employment expert, including those who specialize in the legal profession and those with a more general focus, they will tell you that networking is the name of the game. In fact, think of networking as a permanent strategy for career-building, not just a tactic you dust off when you're job-hunting. It's possible to have a successful career as a patent agent or patent attorney without networking, but you're more likely to experience success—and if you're successful, you could be even more successful—if you devote some energy to networking. People you meet while you're networking can potentially help you get a job after you meet with them, but they can also potentially help you get your *next* job, or the one after that, or send business your way throughout your career, or provide any of a vast number of other benefits.

There are two schools of thought about networking. One focuses on existing contacts in all areas of your life: friends, family, colleagues, people with similar hobbies, members of organizations you belong to, and other acquaintances. Brainstorm and identify networking targets from there. The other school of thought focuses on nurturing professional contacts, including developing relationships with people you already know, as well as creating new contacts. The former approach is more useful for people with more loosely defined job-hunting goals than the kind you have. Since you're interested in a very specific career field, the more professional route is generally better. On the other hand, you probably have a lot of existing professional contacts, some of whom may not come to mind immediately. The longer you are in the field of patent law, the more your networking will become a hybrid of the more personal and more professional approaches.

Even if the personal-network approach, in its most narrowly defined form, is not the primary approach you take, keep elements of it in mind during your job search. Most importantly, you never know who is in a position to help you out. You likely have a whole web of contacts, and they all have their own webs of contacts. People you know who seem to have nothing to do with patent law could be a direct, but as yet undiscovered, line between you and the person who can hire you for your dream job. That observation generates several implications:



If you never know who is in a position to help you out, build your network by “reciprocating in advance.” People are capable of remarkable generosity, and if you treat others with generosity, they will want to help you out when they’re in a position to do so.



It’s useful to put yourself in a frame of mind where you’re always networking. A lot of networking can be done when you barely know you’re doing it. In fact, you probably have lots of conversations that *could* be networking if you did a minimal amount of prep ahead of time—hence, the scripts covered earlier as part of the resource portfolio. Imagine the missed opportunities in your daily life, and try to close those gaps.



Along the same lines, if you’re always networking, you should always be on your best behavior. While you certainly don’t have to wear an interview suit everywhere you go, you should always look your best. If those two ideas fill you with trepidation—for example, if you’re someone whose overall quality of life depends upon spending the majority of your weekends in pajamas, or clothes that approximate pajamas—tell yourself that you will upgrade your look for the duration of your job search, or that you’ll just step up your appearance-related efforts by a degree or two.



A very basic networking practice among your personal network is to decide that you will take every opportunity to make sure that *everyone you know* is aware of your situation. When people ask how you’re doing, tell them that a major part of your life is that you’re making the transition into patent law, you just passed the Patent Bar, or whatever information is appropriate.

After all, it's true—a career transition is a big deal, so it *is* the answer to the question of “what’s up”—and they did ask how you were doing. Don’t bend their ear about it for half an hour unless they’re clearly trying to learn more from you. Tell them what’s up and then move on. If they have a connection, or something else to offer, they’ll mention it, either right then or later.



Finally, an even more basic idea: if you have business cards, keep a stack of them on you at all times. Don’t be stingy with them. Whip them out at the slightest provocation. You shouldn’t feel as though you’re tossing them around like rice at a wedding (or birdseed), but you should pass them around to people more often than you think you should. Give your best friends and closest family members five to keep in their wallets; they will be happy to network on your behalf if they run into appropriate people. The same is true for any colleagues, former supervisors, teachers, or other professional contacts who are especially invested in your success.

Now, on to what is for many people a harder way to network: working your existing professional contacts and creating new ones. Remember, though, that networking is central to your success throughout your career. Think of it as an ongoing process that you may as well start before you have a job. It may help to think of it as making *friends*, as opposed to the more clinical-sounding “contacts.” Although in networking terms a “contact” does refer to a long-term relationship, in more general usage, the word connotes a single encounter, which is not what you are doing. A better word might be *connections*. That is what you should be creating. Maybe you will never share with them the intimate details of your life, but in other ways, you’re there to connect with them, create a relationship of mutual support and information-sharing, and enjoy each other’s company.

The first thing you need to do is gather contacts. If you have already spent some time in the patent law field or otherwise have plenty of existing contacts, you’re in great shape. If you don’t have contacts—or if you do have contacts but want more or better ones—you need to find ways to get some.

There are three main ways to do this:

- (1) dig deeper in your search for contacts;
- (2) get involved with groups and meetings; and
- (3) “cold-call” people in your field.

1. Dig Deeper in Your Search for Contacts

Even if you don’t think you have any contacts in patent law, the technical background you acquired in order to take the Patent Bar has probably given you at least a couple of direct or indirect contacts. Think about it: people you came into contact with worked in labs, did research and/or development of ideas and objects, and at some point there was bound to be some patentable activity. At the very least, one of these people knew someone *else* who was doing patentable activity.

You have contacts from college and possibly from graduate school or law school, as well. Academic institutions—even high schools—tend to produce powerful loyalties, and some people you didn’t expect to help you will bend over backward just because you share experience at the same school—or even because you share experience at a school someone close to them attended. Of course, your initial contacts include fellow students and professors. In addition to people you remember from your time at school, academic institutions often have data banks of alumni. Search for those people in patent law specifically, or in the legal profession, more generally. For example, if you got your bachelor’s degree in engineering, talk to former professors and students you knew (don’t limit yourself to people you’ve kept in touch with; it’s fine to dig up old acquaintances), and look in your alma mater’s alumni database or contact their career center. You can even look up the technology transfer people at your school(s), telling them that you’re alum, and asking them for contacts. Ask all of these people to help you find patent law contacts or even more engineering contacts.

Since most people interested in patent law now didn’t know about it as a possibility (or, if they did, didn’t pursue it) as an undergraduate, you probably also have work experience in

engineering (or whatever your technical field is). Brainstorm all of your contacts from your prior work experience. Don't think only of your immediate colleagues: widen your scope to those who contracted with your former employer, members of other organizations you interacted with, or people at that organization whom you didn't know, but who did patent-related work.

Of course, if you went to or are currently in law school, you will have all sorts of legal connections. Obviously, anyone with an intellectual property background is a valuable contact, but so is anyone in the legal profession. They are likely to know many other people, including people in the IP field in general and patent law in particular. Even if you never went to law school, go back through your personal network. The legal field is big enough that you must know *someone* in it—and even if you don't know anyone in the legal field, someone you know does.

2. Get Involved with Groups and Meetings

What constitutes professional organizations and meetings can vary enormously. Among them are: events featuring famous or not-so-famous speakers, open to the public or members-only; national, regional, and local meetings; bar associations; IP law organizations, patent law organizations, and patent law organizations specifically for people with certain specialties. There are also technical organizations, groups of legal professionals with shared non-professional interests (like people who play on sports teams together), or interests that can be broadly understood as legal but don't necessarily reflect the members' fields—for example, animal rights or anti-domestic violence groups. What's available to you locally will depend on the size of the relevant communities. Research different networking possibilities in your area. You can find them through online research, through existing contacts, periodicals and newsletters, even possibly in the reference section of your local public library. Choose groups that interest you: don't join a tenant-rights advocacy group just because you think you can network there. If you can't tell whether a certain group or event is open to you, call a contact person, explain your situation, and ask them point-blank whether it's appropriate for you to attend. If you do so, though, be in your networking frame of mind when you make the phone call. Make sure that the person doesn't feel pressured to pretend that you'd be welcome, and be prepared to switch gears immediately—turning the person you called into a contact—if that seems appropriate.

While it's okay to shop around for a professional organization, once you find one, two, or three, stick with them. It's better to develop depth and familiarity with a couple of groups than to show up all over the place and never dig in. People notice when someone makes a commitment and demonstrates consistency, which are good qualities in an employee.

If you go to professional organization meetings, don't pressure yourself too much to start schmoozing everyone or immediately. Especially if you're shy, that could create an avoidance dynamic where you end up not going at all. Just tell yourself that at each meeting you'll talk to one person you don't know. Sometimes, you don't even have to talk with anyone. A good way to trick yourself into talking with *more* than one person is to talk to one person early on in the process (to "get it out of the way"); sometimes doing so relaxes you enough that it's easy to have more conversations.

Professional and semi-professional organizations can be tremendous support systems, or they can be hotel-ballroom-sized pressure cookers. While the pressure-cooker variety may be part of your overall career-building strategy, now may be the time to focus on the support-system variety. Sure, you need to be networking now, but if you feel your self-esteem deflating like a punctured balloon, back out of that situation as gracefully as possible and don't go back, at least until you have a job you like. (Of course, if pressure-cookers get you fired up in a good way, by all means use them for networking.)

One terrific opportunity to make a contact can occur if someone in patent law gives a talk. You can attend the talk and approach the person and/or call them afterward. Even if the person doesn't know you from Adam, calling someone and telling them that you attended their talk, were really impressed, and would like to take them to lunch to discuss their thoughts on the patent law field works really well. You have created a situation where you have a great excuse for calling them and you've begun the relationship by flattering them, which is always a good opening note.

Finally, you can also get involved by making yourself visible. Find situations where you could be a speaker or write articles for a local publication. Volunteer in a capacity where you might run into people in patent law or in the legal profession. If you have a lot to say, keep a blog and publicize it (perhaps even including the URL on your business card.)

3. Cold-Call People in Your Field

Whether you truly have no other contacts, or there are just people you'd really like to meet but haven't found a path to through your contacts, it *is* okay to call or email people out of the blue. While the idea of cold-calling people (that is, calling people for whom you have no "in" other than shared professional interests) is horrifying to some people, it's not nearly as scary as it might seem. For starters, if you are far enough down the road toward a patent law career that you're reading this book and looking for work, you already have something relevant in common with other patent law professionals. Bear in mind (always!) that networking is about mutuality and reciprocity, not just a one-way helpline. Therefore, other patent law professionals have an interest in connecting with *you* as much as you want to connect with them. Just call or email, tell the person that you're a new patent law professional, and invite them for coffee or lunch to talk about the state of the profession in your area.

Meeting with Contacts

Once you have found a good contact, what should you do? The suggestions below include how to prepare ahead of time, as well as what to talk about when you're meeting with them.

(A note: Although these recommendations use terms like "firm" and "employer," that does not necessarily mean that the advice is limited to contacts in law firms or to contacts who are interesting because of their employer. In the former case, you may be looking for a job that's not with a law firm; in the latter, you might be pursuing a contact not because of where they work but because of their position in a professional organization or some other activity they engage in that's not, strictly speaking, their job.)

Before the Meeting:

Do your research on the contact and her or his employer ahead of time. Look online, at the firm's website to learn about them and relevant news items. Using a search engine, look up the contact, as well as the employer and any other relevant organizations (bar associations, etc.) in which the person is active. Try to find points of possible connection with the contact, whether it's a mutual friend, their school, shared interests or experience. You should be able to demonstrate that you have taken the time to learn about the person and the organization they work for before meeting with that person. There are three reasons for doing this: (1) it will impress the contact that you have done your homework; (2) it will give you ideas about conversation or "bonding" topics; and (3) it will help generate ways to follow up with the person, both to reinforce your meeting and to give something back to them for their time with you.

However, don't go overboard with the personal information you find. You don't want to come across as a stalker. On a more professional level, many people don't actually know what's publicly available about them or their firm, and if you have researched very thoroughly, you might not ask the obvious questions. Sure, that might be because you know the answer already, but they won't necessarily know that. In fact, it's possible to do so much research that you don't feel very curious about the person anymore. Since the main resource you have to offer is your interest and curiosity, that's not the position you want to be in. You need to strike a balance between showing that you aren't coming into the meeting cold—you've been courteous enough to do your homework—and being so over prepared that it hinders, rather than helps, the conversational and discovery-oriented aspects of the meeting.

Prepare relevant documents: bring several copies of your resume, several business cards, and any notes you'd like to take with you (see the next item in this list). Also, make sure you have a nice-looking notepad on which you can take notes—and a pen.

Decide what you're going to ask the person. Don't be afraid to prepare a script—not to read during the meeting (please!) but to allow yourself to picture the details of how you might raise issues.

Here are some ideas for questions you can ask:

- ✓ How did you get into patent law?
- ✓ What do you like and dislike about it?
- ✓ What do you think is particular to the patent law culture in this area (city/state/region)? (Related, more specific questions: Is it growing or shrinking? How has it changed since you began practicing? Is it dominated by a few groups or scattered around many? Is it primarily housed in law firms, or is there a lot of in-house, government or higher-education activity? What areas of specialization are in high or not-so-high demand?)
- ✓ What's your firm like? (This is a touchier question than it may appear to be. On one hand, your contact may think you want "gossip" about their particular workplace. On the other hand, they may think you're about to ask for a job. So tread carefully, consider asking more specific versions of this question that seem less threatening, and don't hesitate to skip it altogether. Your contact is likely to discuss their workplace without you having to bring it up.)
- ✓ Who do you see as the big names in this area? That can include the prominent people, law firms, companies, etc.
- ✓ How would you suggest tailoring a job search to the particular market in this area?
- ✓ What do you (or your firm/organization) look for when you're hiring a patent agent or attorney?
- ✓ If you were an entry-level patent agent/attorney, how would you go about finding employment? Do you have suggestions about firms that often hire people in my position?
- ✓ *If you get to a point where you feel comfortable showing the person your resume:* Given my background, what do you see as my strengths and weaknesses? Do you have any suggestions for specific approaches I should take? Do you have

- ✓ Do you have any suggestions for professional organizations or publications that I should look into?
- ✓ Do you have any suggestions for other people I should contact? (Do you have their contact info? Would you mind if I told them that you suggested their name?)

During the Meeting:

Begin by introducing yourself. You can use some of the positioning-statement material you have developed. Then ask questions. You can bring a list, but it's more important to be conversational than to ask specific questions. It's better to leave with unanswered questions—even those you really, really want the answer to—than to ruin a dynamic that's working really well. Don't forget: if you make a good connection with this person, you'll see them again. They can answer your questions later. You have three goals: to learn more about them, to learn more about the contours of the field in the area, and to generate leads for more contacts.

Be yourself. Make a good impression, but don't treat your interaction like a job interview. This is a friendly professional conversation.

If they ask you what positions you are looking for, try to be broad so that you don't eliminate possible opportunities, but not so broad that you seem passive about where you're going. For example, if you say you're looking for work at a small firm, you have effectively eliminated that person as a contact for large-firm work. On the other hand, you don't want it to sound like you're going to take whatever you can get. Pick your top one, two, or three priorities and allow yourself to mention them. If you *really* wouldn't work at a large firm, you *can* say you're most interested in small-firm work. Know that the contact will simultaneously want you to indicate some kind of preference landscape and take whatever you put into that landscape very seriously.

Be enthusiastic and interested. *Listen, listen, listen.* Listening is the skill most underrated by those in a position to listen and most appreciated by those who have something to say. Use “open” body language that shows that you’re listening. Ask follow-up questions to show that you’re listening.

Bearing in mind the earlier point about being generous in advance, listen carefully during these meetings for possible opportunities to give something back to the contact.

Don’t hesitate to let the conversation diverge completely from your networking agenda. For example, if your contact suddenly wants to talk about their child’s difficulties in school, see this as an opportunity for two things: (1) on-the-spot bonding and (2) a possible way for you to be generous, both by lending your ear at the time and when you follow up with the person.

Avoid doing anything that could be construed as asking for a job. Some networking advice manuals suggest that you broach the subject, directly or obliquely, but most legal professionals are touchier about that possibility than people in other fields. If the contact raises the issue, go ahead and discuss it, but *follow the person’s lead*. If the subject comes up, you may be so excited or relieved to address the topic of your long-term goal that you’ll take it further than it was intended to go. That will put both of you in an uncomfortable position. Try defusing the topic by being enthusiastic about job possibilities but also being clear that was not your primary purpose.

Feel free to write down any specific information the contact gives you. Don’t take notes all the time, and definitely don’t bury your head in your notebook. You don’t want to disrupt the flow of the conversation or make the person feel like they’re in a lecture hall and you’re preparing for the test. If you want to produce an overall record of the conversation—which is a good idea—write down everything you remember *after* the meeting is over. Do so ASAP, though, before you forget the details.

Give the person your business card and, if it seems appropriate, your resume. Ask for the contact's business card, too. Obviously, you know how to contact the person already, but even if you don't ever look at the card again, it's still an important gesture of reciprocity.



If any money is spent during the meeting—for coffee, lunch, whatever—it must be your treat.

After the Meeting:

Write down notes about the conversation while it's still fresh in your mind.

Send a thank-you note. This is a somewhat controversial subject. Some people say that you should always write a thank-you note, and you should do it immediately. One of the mantras in the classic career guide *What Color is Your Parachute* is to send out a thank-you note to every single person who helps you in any way at any stage of the career-building process, whether they provide you with a conversation, a favor, a contact, or anything else. They also say you should do it that very day, or the next day, but no later. The logic of that argument is that it gives you an additional opportunity to pitch yourself, to be noticed and appreciated through the content of the note or simply for sending the note—and that it's simply polite and portrays you as a courteous individual.

Others say that, particularly in certain professions (including law), thank-you notes are more harmful than helpful. They can be perceived as hokey and frivolous, they're another chance to put your foot in your mouth, they imply that the sender is inferior to the recipient, and so on.

However, at the networking stage, it is appropriate to send a thank-you note. Given its controversial status, however, you may want to thank the person via email—a less formal medium than breaking out your stationery. (See the next point below, however, before sending anything.)

Consider what you can give back to this person. A really great way to be generous is to send the person information—for example, an article or link to a website you “came across” that they might be interested in. Using the example of the contact who wanted to talk about their child’s difficulties in school, try to think of someone you know who is familiar with that issue. Ask that person to recommend an article or website to send to the contact, or, if it’s appropriate, you can put the contact in touch with that person. If you have something to give back to the contact within 24 hours of the meeting, send it with the thank-you note. If you have a hard copy of an article, feel free to send a hard-copy thank-you note. If the information is email accessible, use email. It provides a great piggyback to (or excuse for) the thank-you note.

Plan to meet the person again. Be very sensitive to the person’s schedule. Although it may seem appropriate to meet with someone once a month, that is really a very short time, and you may be imposing too much if you suggest meeting that often. Depending upon how crazy the contact’s life is, every 3-6 months is a good amount of time. For some people, every year is often enough to touch base and stay on their radar. Basically, you want to nurture the connection enough to keep it active and alive so you can turn to the contact (or vice versa), but not so much that you are imposing. (Also remember that once you have a job, meeting too often may impose on you).

In general, you should develop a well-organized system for recording and following up after every networking meeting. If you thought you wouldn’t need your calendar or PDA because you’re between jobs, you’re wrong. In addition to noting meetings with contacts, it’s a good idea to set aside—and schedule in your calendar—additional time immediately after the meeting for note-taking, researching your “give back” ideas, writing thank-you notes, etc. It is also useful to schedule a time to contact the person to set up another meeting. Using the guidelines in the previous bulleted item, put “schedule meeting with X” in your calendar at a date a couple of months away. And don’t forget to organize your physical files to reflect your networking meeting.

Finally, follow up with any of the suggestions your contact made during the meeting. That might include additional networking contacts, other resources to check out, strengthening your resume, or other tasks.

Networking is one of the aspects of job-hunting that people find most daunting, but it doesn't have to be. There are so many ways to tailor your networking efforts to your own personality that you should be able to make it fun, or at least enjoyable and rewarding. Take the plunge and allow yourself to go with the flow.

After you have taken all of the steps suggested so far in this book, you are going to have a job offer—and it's very likely that you'll have more than one. In an ideal world, you'll get all of your job offers at the same time so you'll be able to weigh the pros and cons of each against each other. That probably won't happen, though. You'll probably have one or perhaps two job offers at a time. How do you decide whether to accept a particular job offer, and what steps should you take before accepting? That's the topic of our final chapter.

Chapter 7: After the Offer

You have jumped through all of the necessary hoops and emerged with the prize: a job offer. What now? You need to do two things:

1. Decide if this is the right job for you.
2. Decide whether and how to negotiate for more compensation.

Even if you are tremendously happy about this offer, eager to accept it and start working, it's a good idea to be thoughtful at this stage. Just think how relieved you will be if you find out something that would have made the job intolerable for you. By declining the job, you may dodge a bullet. But even if you continue to hear nothing but positive things, the reflection and work you've done will have been worthwhile. The period between offer and acceptance is an important window for learning more about the workplace you're potentially joining, for negotiating, and for making an impression.

If you are anxious about taking too long to decide, let the person who made the offer know that you'd like to do some more information-gathering and thinking. Ask him or her what a reasonable amount time frame for that would be. Then prepare to surprise the person by letting them know well before the deadline. If they won't nail down a deadline, give yourself two weeks, and then try to decide within 5-8 business days. If you need more time than you are given or would like to take, assuming you have good reasons, explain the reasons and ask for more time. Employers want to know that you are considering carefully and being reasonable. As long as you don't make them think

that you are either completely indecisive by nature or holding out in case you get another offer, they will generally want to accommodate you.

At the same time, one way to ensure you're in the strongest possible position is to refrain from going overboard at this point. Your future employers are probably pretty excited about you, and you want to convey that you are excited about them, too. You can be excited and still want to find out more information. What you should not do at this point is (1) over-negotiate or (2) aggressively interrogate people. Both send a negative message about your interest in the job and potentially your priorities.

1. Deciding if This is the Right Job for You

Even if it feels like this job is perfect, this is a good time to do some more research. People will generally be open to speaking with you at this stage, and any information you obtain will serve you well in your job. Here are ways you can gather information about the organization, the job, and whether it's a good job for you.



Reflect. Look over your notes from your communications with members of the organization. Let your notes jog your memory, and write down more notes. For example, in the process of the interview, did you get a chance to see a high-ranking person talking with (or about) a secretary? Did you see peers talking to each other? What did those interactions suggest about the interpersonal dynamics at the organization?



Check the job offer against your own needs and desires. Revisit the first two chapters of this book. Go through the issues raised and your responses to questions about what you are looking for in a job. See how this current job offer lines up with your values and priorities. In the interview and at other stages of the process, you probably found answers to many of the questions that are important to you. However, you should also identify questions (1) to which you don't have answers, and (2) to which you have one or two people's opinion, but which are important enough to you that you should consult others.



Research the organization. Hopefully, you’ve already done a significant amount of research, so revisit what you’ve already done and do a little more. Your perspective will change when you have an offer in hand. Go back to their website. See what has been written about them in periodicals, including general sources like the local newspaper, Newsweek, or legal journals, newsletters, etc. Google the organization and various individuals in it.



Ask to meet with people—your peer group and others with whom you’ll be working. If the person who held the job before you has been promoted within the organization, it’s certainly appropriate to ask that person about the job. If it seems appropriate, you can also ask for contact information for people who have held the job before you if they are not at the organization. If you want to meet again with anyone you spoke with during the interview process, feel free to ask.



Whenever you meet with anyone, it’s a good idea to ask questions, but also to get them talking. To paraphrase Donald Rumsfeld, remember that you are interested in two different categories of “unknowns”: the known unknowns (that is, what you are aware you don’t know) and the unknown unknowns (the things you don’t know, but haven’t even identified). You can ask questions to find out the former, but you need to do some free-form investigating to find out the latter. One of the best ways to do so is to allow conversation with future colleagues to go in unexpected directions. The other advantage of this approach is that you can avoid the “aggressive interrogation” pitfall mentioned in the introductory section.



Check out the physical and social setting again. (This can happen when you go back to meet with people.) What does the layout of the space say about the organization’s priorities and hierarchy? Is there an open floor plan, or do people keep their doors open? Who has private offices and who doesn’t? Do people greet each other? Do they seem to know and like each other? What else do you notice?



Talk to people in your network about the position and the organization.



After gathering your information, don't be overly put off by a couple of negative reviews of the organization or by information that conflicts in reasonable ways. There are always a couple of unhappy people at any workplace, and there are always slight differences of interpretation (or differences in perspective between departments, across ranks, etc.).

The main indicator of your happiness at a particular job is “fit.” Although hard to define, “fit” is about your sense of belonging at an organization and the organization's sense that you are a good match for them. “Fit” is first based on the extent to which you match the job you have been offered. By the time you have been given an offer, clearly the potential employers see it as a good fit. That doesn't necessarily mean, though, that you see it as a good fit. Will your work involve a combination of activities that seems to be what you want?

If you haven't found out by now, it's a good time to get your potential employer to break down for you as clearly as possible the different things you'll be doing: X percent of your time doing one kind of thing, Y percent doing another thing, and so on. Make sure that when you sit down and think about how you'll spend your days (and weeks, and months), the balance appeals to you.

(Of course, while you're doing this—and every suggestion in this chapter—you should also be realistic. If you are in an entry-level position, there's a decent chance that you will be doing a combination of work that's less desirable than what you eventually hope to be doing. Given the specifics of your particular situation, you need to weigh this job offer against other jobs you may be offered.)

Fit is also based on whether you get along in a firm's culture. If you work at a small firm and everyone but you goes out to happy hour every Wednesday, that will affect your sense of belonging. If you work at a firm where hierarchy is very strictly adhered to, but you're uncomfortable having a secretary you don't consider a friend, that will not be a good fit. You should try to find out as much as possible about the firm's culture before accepting the job.

Here are some things you might wish to ask. Some of them overlap somewhat with issues raised in the first chapter, but don't forget to revisit those issues, as well.

- The overall **governance structure of the organization**: Who makes the decisions?
- **How much say will you have**—now, or over time as you acquire seniority?
- If you haven't attended law school, ask about the **organization's support for patent agents who want to get their JD**. Can you get reduced hours or other forms of time off? Will they help with tuition?
- **Evaluation and promotion structures**. For attorneys at a law firm, this includes what the chances are for making partner. What percentage of people up for partner actually made partner over, say, the last 2, 5, or 10 years?
- **How do people in IP or patent law generally do compared to the overall odds?** (Ask about this whether or not you're an attorney; you may become one, and the odds of making partner affect the feel overall at a firm.) It also includes how raises are determined, what kinds of reviews are expected, and similar issues. Are there clear channels of communication, clear standards for success?
- **Who will evaluate you, and on what schedule?**

- **Billable hours.** If your workload is evaluated in terms of billable hours, what is the minimum number? What's average? How does it vary across departments? (Make sure you find out what billable hours standards apply to your department or position, because they can vary widely between different parts of an organization.) When you talk to individuals in your peer group, ask them how much they billed last year. Sometimes billable hour expectations and realities don't line up at all. If your job doesn't use billable hours, find out how much overtime people generally work (and again, check for variations across departments).
- **Overtime.** What hours do people keep? What time do they leave the office? What time do they get to the office? Although most offices are open during regular working hours, some firms have an unofficial 10am-to-6pm workday, or even a noon-to-8pm workday. How often do employees come in on weekends? If they come in a lot on weekends, is it because they need to put in the time, because they need to show their faces so that other people know they're working a lot, or both?

Finally, don't be afraid to come right out and ask the people you meet how they would describe the workplace culture.

Once you have made your decision, notify the employer as soon as possible in a verbal, real-time medium (over the phone or in person) and in writing (hard copy and/or email). Whether or not you accept the offer, be polite and gracious. Thank the person for the hard work they have put into the search process. (It is hard work!)

If you choose not to accept the offer, keep in mind that the contacts you have made in the process are extremely valuable to you. After all, you have clearly impressed them enough that they wanted to make you their colleague. Explain the reason why you chose not to accept the offer. If the reason is not flattering to the organization, find a way to avoid being critical without being dishonest. Think of it as a breakup that you'd like to keep on cordial terms: explain yourself in terms that

suggest “It’s not you, it’s me” (without being self-deprecating) or “It’s no one’s fault; it’s just the situation.”

2. Negotiating Better Compensation

One of the most important issues job candidates face when handed an offer is whether and how to negotiate for better compensation. Your starting salary is a big deal. Generally, raises are based on a percentage of your salary, so the more you start off with, the more you will add to your salary every year.

However, there are also reasons not to push too hard for better compensation. First, some organizations simply don’t accommodate negotiation about compensation, whether it’s salary, benefits, or time off. They have a pay scale that they stick to. If you push this kind of organization too hard, you’re going to come across negatively—as someone who has an inflated sense of their own self-worth; as someone to whom money trumps other things of value; as someone who will negotiate everything, always wondering “what’s in it for me” instead of “how can I help?”; and/or as someone who is in it only for themselves and isn’t a team player. In the end, you’re still not going to get more money. In fact—and this is the second main reason—if you push too hard at any workplace, even one that doesn’t have rigid salary scales, people will get one or more of those impressions of you. In those cases, you may get more money, but you may have done yourself more harm than good by burning out their sense of goodwill toward you. The problem is that it’s hard to determine whether pay is negotiable, and what constitutes “pushing too hard” varies enormously from place to place.

When you’re deciding whether to negotiate for more compensation, you should take several factors into consideration. They are:

1. Am I being paid at the rate appropriate to my job title in my geographical area? You can use a calculator at a website like PayScale.com to get a sense of the range or averages you can expect.

Geographical pay rate: \$ _____

2. Am I being paid at a rate comparable to others in my organization at the same level? Getting access to this information is more difficult. Sometimes organizations make the ranges public; sometimes the figures are available to employees, or employees at a particular rank; and sometimes they're confidential. However, asking what the range is and where you fall may be a good first move in negotiating a higher salary (though it could backfire if you are at the very top of the range for your rank)

Pay Range: \$_____

Where you fall: \$_____

3. Is the organization where I have been offered a job the kind of place where compensation packages are set according to a rigid pay scale, the kind of place where I can negotiate, or even the kind of place where I'm expected to play hardball at this stage? Again, this may be fairly easy to find out, or it may be virtually impossible. Other than testing the waters by asking for more money—or implying that you would like more—the only way to find out may be to talk to people. You can gently inquire about it when you are meeting with people in the post-job-offer stage. The best situation in which to ask is if you feel that you have an ally in the hiring process who knows whether you should ask for more money. Sometimes, your future supervisor or future colleagues will be on your team about these issues and encourage you to negotiate with HR or the higher-ups. Sometimes, they will even raise the topic themselves. Ask casually at first: “So hey, do you think there is any wiggle-room in these numbers?” (You are more likely to get a “false negative” than a “false positive” in such cases. Perhaps, it didn't occur to the person you ask that it's possible at this firm, or they're budget conscious and want to discourage you from costing the organization more money, but they're unlikely to encourage you to negotiate if it's inappropriate to do so.)

4. Am I being paid what I think I am worth? Even if you have looked at all of the relevant statistics and your compensation package is in line with or above the norm, if you perceive yourself to be underpaid, you are going to resent your job. In this case, you can try negotiating, and if that doesn't work—or if your sense of what you want is clearly outside of the negotiable ballpark—you may need to look at a different type of job where the norm is more in line with your expectations.

My Worth: \$ _____

Let's say that, after considering all of these factors, you decide that it is appropriate to negotiate for a higher salary. Or you honestly don't care whether it's appropriate because you wouldn't accept the job unless they offered you a higher salary. You are in the best position to get a higher salary if you can make a strong case for one (other than "I want more money.") Another benefit of making a case for a higher salary is that it is much more palatable to the employer if your salary demands have a logic to them other than greed. Here are some suggestions for arguments you can make:



If your salary is below average based on your geographical area, your organization, or your job title nationally, you can make an argument along any of those lines. For example, even if your organization pays less than average for your geographical area, and your starting salary is appropriate for the organization but low for the area, you can make the case that if you hold out for a different job, you'll make more money. You can also put this argument in terms of future jobs, not current ones. If you are paid on par with the standards of the region, not the organization, you're more likely to stay over the long term. (Be gentle here, though; you don't want to talk about leaving before you even accept the job! Saying that more money will improve your "long-term satisfaction in this position" raises the issue strongly enough.)



If your salary is at or above average through all of these variables, you can focus on your particular qualifications as a logic for requesting more money. In this case, you would say something like, "I see that the average starting salaries for patent attorneys/agents in this area is \$X, but I think that my [PhD, or decade of experience in industry, or whatever] is worth \$Y, and so I'm wondering if you would consider starting me out at \$Z" (where $Z = X + Y$).



You can crunch your personal numbers and make an argument based on what you actually need. If you do this, be prepared to have to share your itemized (but not necessarily detailed) budget with others and defend it. Depending upon your situation, you may also be able to do a modified version of this approach where you consider differences between what you have made in

the past, how changing jobs changes your situation, and why you require X amount of money to meet those needs. For example, one job candidate was a single mother who had a child with special needs. Accepting the job offer would require her to relocate to a place where the public schools were inadequate to meet his needs, so she would really need to enroll her child in private school. She showed her employers her current salary, ran it through a cost-of-living calculator to adjust it for how much it would be worth in the new location, added the expenses of sending her son to private school, and told them that the total was how much she required. Even though the organization's initial offer was quite impressive, they wanted this candidate enough that they matched her amount and added several thousand dollars a year on top of it so that they didn't look stingy.

While salary is a good place to seek additional compensation, don't forget about other parts of your overall compensation package. Consider benefits. If the firm charges employees for their own health insurance or for insuring their spouse and/or kids, you could try to get insurance at no cost to you. The same is true of other benefits. You could, for example, ask for a stronger retirement package. You could also ask for more paid vacation time—although that's not a useful approach in firm cultures where people never even use the vacation time they're given.

Even in organizations where it's not appropriate to negotiate salary, if you have a logic for requiring additional compensation you can sometimes negotiate. The key here is to know that these organizations need to maintain the appearance of equality among people of similar rank. What you need to do is find “invisible” ways to obtain more compensation. One place to look for these invisible compensations is in your benefits package, as described in the previous bulleted item. Another place to consider additional funds is one-time decisions or expenses that others either won't notice or will attribute to something other than your post-offer negotiation. For example, you could ask for a budget for new office furniture, for the firm to pay for a new laptop (or other office equipment) for you to use at home or while traveling, or a very generous moving allowance (or even a “moving allowance” in the form of cash if you're not moving. They may have set aside money to pay for moving expenses, and you can see if they'll give you that money.) Although there are potentially dozens of places where an employer could “find” some more compensation for you, you shouldn't raise everything you can think of. Just suggest a couple of areas and see if the employer comes back to you with any other ideas. What will be appropriate in one workplace won't be in another.

Finally, if you just want to make sure you're getting as much as you can, there are two tactics you can try:

1. You can give the person who makes the initial offer "the silent treatment." This involves listening to the job offer, writing down all of the information about salary, benefits, and any other compensation, and then simply pausing. If you're in the same room with the person (i.e., not on the phone), make sure you have a look on your face that suggests that the offer isn't high enough. Try to out-wait the person. Sometimes they will interpret your silence as hesitancy about the compensation package and spontaneously offer you more.
2. Prepare yourself ahead of time to respond immediately to the salary indicated along with the job offer. Think of it as an immediate counteroffer. When the potential employer makes the offer, sound a little skeptical about the salary figure. You can counteroffer right then with something like, "Hmmm, I was really hoping to make something more like X," where X is a round number higher than the initial offer. It's helpful to have one of two figures in mind ahead of time: either a number (or range) you really want to aim for, or an amount by which you want to increase whatever offer they make (maybe \$2,000 or \$5,000 or \$10,000). If you can't counteroffer as soon as the salary figure is stated (say, you get too nervous or you can't get a word in edgewise), another approach is to ask the person to restate the salary and benefits package, appear to mull over the bottom line, and then make the counteroffer.

Whether or not you choose to negotiate for a higher salary or compensation package in general, and whether or not you are successful in doing so, remember that each job has its own particular set of compensations. In fact, many firms where you stand to make the most money must pay sky-high salaries because they have to "compensate" for the fact that the jobs are terribly demanding and come at a very high cost: of personal and family time, mental and physical health, and other things that comprise quality of life. Remember your values and choices as you laid them out in the first two chapters of this book.

Hopefully, as you reach the end of the process outlined in this book, you will find yourself in a job that you love, one that you can commit to over the long term or one that is a terrific stepping stone to move your career forward. Congratulations! Take some time to reward yourself.

As you begin your new job, here is a list of things to keep in mind:

Be sure to let the people who helped you through the search process—including your references, people who helped you network, and friends and family—know how the search turned out and that you are grateful for their support. In some cases, that means sending a formal thank-you note. In others, it means taking a moment to express your gratitude explicitly or it could mean celebrating together.

As you begin the process of assimilating into the organization's culture, make sure that you make listening a priority. While it's important to impress people, one of the best ways you can do so in the long term is to take some time early on to learn as much as you can about how the organization works.

From the beginning, make sure that you are the employee you aspire to be. You are establishing your reputation as someone who is honest, friendly, and dependable in addition to good at what they do. You are also establishing your identity in relation to the organization. The impressions people get of you over the first couple of months will stick with them and be twice as hard to undo as they are to create in the first place.

Especially at the beginning, make sure that you are results-oriented. When you accomplish something, make it visible to others. It's important to strike a balance between ensuring that you get credit for what you do and avoiding becoming one of those people who feels compelled to trumpet all of their accomplishments to everyone. Over the long term, it's better to quietly overachieve. However, early on, it's crucial to show that you can produce tangible results. The main audience to impress is your immediate supervisor, so make sure to check in regularly.

Be mindful of work-life balance issues. It's important to fit into the workplace culture in terms of how much time you spend at the office (or working at home and even checking in, e.g., checking your email). But it's also important to set a tone early on about where your boundaries are. Unless you are just fine working whatever overtime you can, or, at the other extreme, your employer is just fine with you working 9-to-5, you are going to have to do a tightrope walk. Pay attention to the hours your peers work: notice how late they stay and whether and when they come in on weekends. You don't want to be the first or the last person to arrive or leave. At the same time, if you have non-negotiable commitments outside of work, don't start off on the wrong foot by neglecting those commitments. (Presumably, you knew about these commitments before you accepted the job and they are not incompatible with performing well according to your employer's standards.) Rather, indicate that you have those commitments, while at the same time demonstrating to your employer that they don't hurt your job performance.

Don't forget to keep networking—or, if it wasn't part of your job search this time around, to begin networking. Don't forget to keep thinking about ways to give back to the people in your network, too.

Hopefully you like the job you have worked so hard to get, but if you find that you don't, try to stick it out for a year. Too much job-hopping raises caution flags for other potential employers. Whether or not you like your current job, keep your ear to the ground about job opportunities and the market in general. It's always useful to have a sense of the state of the field and the job market. Don't be afraid to speak with legal recruiters. They can provide a lot of information, and it's often helpful to establish relationships with them before you are actively searching for a new job.

Whether or not you asked for or received higher compensation during the period before you accepted your job offer, don't forget that there are other opportunities to ask for a raise. If new information surfaces that indicates that you're good for business in any way, that you're indispensable to the organization, or that you are exceeding expectations, you can indicate that your current salary was based on a certain level of performance that you have clearly surpassed and that you feel that you deserve increased compensation commensurate with your value to the organization.

And, of course, any time you are promoted or your duties change is a good opportunity to ask for a raise.

Don't neglect the big picture. It's easy to get caught up in the day-to-day busyness of your job and get off track about your long-term intentions. Remember the priorities you identified as you began your job search. Check in regularly to make sure that your career and your life are lining up with those priorities. Think about your career path and whether you are where you should be. You might even want to schedule an appointment to do this once or twice a year so that you don't let it slide.

After completing this book and following the recommendations contained inside, you should have a strong understanding of what your ideal job is, the requirements it must meet, and the steps you need to take in order to put yourself in the optimal position to get that job. By now, you should have your documents polished and perfected and distributed to your network of mentors, associates, and colleagues who will assist you in your job search. Once you've honed your interview skills, you'll begin to attract jobs and will, hopefully, have several offers to choose from. The decision is yours to make. Use the suggestions in this book to make the decision that is best for you, both now and in the future. May your career in patent law be both a rich and rewarding one!