Some of you who plan on participating in Early Interview Week (EIW) have asked whether you should be reaching out to firms in advance of EIW. Others have asked about job postings from firms who participate in EIW – or noticed “precruiting” announcements on their websites – inviting applications for 2L summer associate positions before EIW.

I. The Short Answer

You should not apply to firms participating in our EIW before EIW (for the reasons stated below in section II).

Some of you, however, may want to reach out to a few alums or others in your professional networks to learn more about a practice area or firm in which you may be particularly interested. These informational interviews should be a selective effort and you need to exercise caution if you choose to do it. While they may be helpful in preparing for EIW, they are by no means necessary to succeed in the process. Learn more about selective outreach in Section III below.

If you plan on working outside of California for your 2L summer, then it will make sense for you to apply early to offices of firms in your chosen location, but only those who will not be participating in Berkeley Law’s EIW. In the coming weeks, we will email you about the process for applying to non-EIW firms outside of California. For now, we just wanted to cover the subject of “precruiting” activities here in California. Those of you who want to know about that process now, see EIW/FIP FAQ #12.b, “How Do I apply to Out of State Employers Not Participating in EIW?” [password:cdoaccess].

II. Reasons For Not Applying To – or Interviewing With – EIW Firms Before EIW

A. First and foremost, Berkeley Law now has an express written policy against this practice. Many legal employers, particularly those in California, actually requested that we have such a policy to level the playing field and to bring us in closer alignment with several of our peer schools that have had longstanding policies against “precruiting.” The reasons for this policy are set out in paragraphs B through E below. Keep in mind that the policy only applies to employers who are registered to participate in our EIW and it is office location specific.

B. You will lose your EIW “Lottery Advantage.” Our EIW (in which nearly every CA firm large enough to have a summer associate program will participate) is 100% lottery. That means employers do not get an advance look at your grades and do not choose interviewees. While employers will ultimately see your transcript before making a final hiring decision, it can be a distinct advantage to have the opportunity to make a first impression in person rather than allowing them to pre-judge you based on your grades. If you apply outside the EIW process, firms can ask for, and will consider, your grades in deciding whether to meet with you. If they decline to do so, but you later obtain an interview with them through EIW, they will have already seen your transcript and formed an initial impression of you.

C. Outreach and any required follow up can be time consuming and distracting. Drafting and submitting customized application materials as well as preparing for interviews for your next summer position while you are trying to succeed in your current one is an unnecessary, and potentially costly, distraction. If you are targeting EIW-type firms for 2L summer, your priority for your 1L summer should be making a good impression on your
current summer employer in order to be armed with a strong reference as you head into the recruiting season in late July.

D. **The vast majority of recruiters, particularly those in CA, prefer you not apply early.** They are focused on their current summer associates and would prefer not to deal with applicants until the recruiting season starts in late July/early August. The outliers consist primarily of a few firms in New York City and a couple in DC. They tend to have summer associate programs of 100 more, which requires them typically to do 400 or more callback interviews. By contrast, the largest summer classes in the Bay Area and LA are more like 25-30 students. Many are in the single digits. They do not feel the same pressure to get interviews and callbacks underway before the start of the busy and compressed recruiting season.

E. **Summer associate classes will not fill up before the recruiting season gets underway.** The firms that do accept early applications and do conduct early interviews are not necessarily extending early offers. According to the National Association for Law Placement (NALP), only about 5% of all offers in 2018 nationally were extended early, and about three-quarters of all firms made no early offers whatsoever. Moreover, even those that do extend early offers (the vast majority of which are located in New York City) will be required -- under rules promulgated by law schools at which they recruit, which are similar to our rules -- to keep those offers open for at least 28 days after the start of the offeree’s on campus interview program. If a school’s OCI starts on August 1, a firm that extends an early offer to a student from that school will have to keep it open until August 29th. NALP data shows that law students (sensibly) tend not to accept early offers right away but prefer to keep them open to compare with other potential offers they may receive during the regular recruiting season.

III. Reasons For Selectively Reaching Out To Alums/Contacts Before EIW

Some key questions that you will need to have answers for during EIW interviews are: “Why are you interested in our firm?” and “What do you want to do with your law degree?” and “What areas do you want to practice in?” Meeting with lawyers at EIW-type firms is one way of preparing – and practicing – your answers to these questions. You can meet with them not only by attending firm receptions and other networking events, but also by contacting alumni (or others you identify through your professional network) who are doing work in which you are particularly interested or who are at firms that are high value targets for you.

Requesting informational interviews can preserve your ability to make your own first impression (rather than having your grades or your other formal application materials do it for you). It is also a way of underscoring your genuine interest in particular firms. However, this is not something you would do for every firm – or even most firms – on which you intend to bid. In fact, according to national data, nearly 60% of students had no prior contact with the firm whose offer they ultimately accepted.

Consult the CDO’s Guide to Connecting To the Berkeley Law Alumni Network for more information. As the Guide suggests, you do have to be thoughtful about this process. You need to be thoroughly prepared and you need to assume that the person you contact may have a say – positively or negatively – in your potential future with his employer. You may also be asked for your grades, which you may not want to hand over pre-EIW. For all these reasons, we strongly recommend that you make an appointment with a CDO attorney-counselor to review your approach and help you prepare.

**NOTE:** This advice to proceed cautiously is limited to networking with EIW-type firms during the summer immediately prior to EIW. Our guidance about networking widely and energetically still applies in virtually every other context.

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