

CAREER DEVELOPMENT OFFICE

Berkeley Law

Guide to CONTRACT, FREELANCE AND TEMPORARY LAWYERING

For law grads who are waiting for bar results, or attorneys between jobs or contemplating alternatives to full-time employment, working on a contract or temporary basis (i.e., freelancing) may be a good short- or long-term option.

These alternatives to traditional legal employment are usually either (a) contract: working for other attorneys (usually at firms or in-house legal departments) on a limited basis, or (b) via a staffing agency, which aims to place you on appropriate projects. *Note that neither of these arrangements includes serving clients directly in a legal capacity. If you are serving your own clients, you are essentially practicing law as a solo, which is outside the scope of this resource.*

Working directly on a contract basis, you take in all of your compensation rather than sharing it with an agency. On the other hand, you have no job security or benefits, and generating gigs (aka business development) may require significant time and effort.

Legal staffing agencies, in exchange for a part of what their client pays, provide the work for you, and some well-established agencies do provide benefits.

What are some sources of independent contract work?

- *Previous employers or clients;*
- *Your network of business and personal acquaintances;*
- *Job boards such as LinkedIn, CraigsList, InDeed, Monster.com and Glassdoor (you can include terms such as “temporary” or “contract” in your search).*

Do I need malpractice insurance to do contract work?

Professional liability insurance is an expense, but going without it is a risk. Malpractice insurance for lawyers is not legally required in California, but it is in some states. Effective January 2010, California attorneys are required to disclose in their engagement letters whether they maintain malpractice insurance. The lawyer(s), firm or agency you work for may include you on their own malpractice policy, and it is very appropriate to inquire with them about your coverage. If you are not covered, consider asking your state bar association for guidance on how to get insurance.

Should I set up a business entity to do contract legal work?

Forming a professional corporation or LLC may give you some insulation against liability (but malpractice insurance may have more practical value). If you plan to work on a contract basis for a long period, you may want to create a business entity for marketing purposes, as it can help you look more professional (as does having a business address and website). It's not a requirement, but it may be a good idea.

How do you set your rates for contract work?

You might start with research into what your competitors are charging. Do some financial introspection (don't forget taxes; as a contractor you probably don't have withholding) about what you need to meet your expenses. Obviously, the more relevant experience or skills you have, the better rates you can command. Flat fee arrangements are attractive but dangerous – try to avoid them unless it is necessary to get in the business, and then be careful to leave yourself carve-outs for additional work. While you may be tempted to underprice in the beginning to bring in work, remember that charging market rates gives you credibility by showing you understand your own value.

Does my background matter in terms of opportunities for temp work?

Agencies place temporary workers based on the demands of their clients. Clients (law firms or companies, rarely large nonprofits or government) often want attorneys who have experience with the type of work they need performed and sometimes only want licensed attorneys. When agencies screen temporary job candidates they look for a background and impression of professionalism which indicate you would fit in at the firm or work location. (Dressing professionally and treating your meeting with a recruiter like a "real" job interview helps show your worth.) Previous work as a paralegal or within a corporate law office is a plus, though not a requirement. Infrequently agencies will have work for nonprofits which may be favorably impressed by community service work on your resume, especially if it aligns with the organization's mission.

What should I look for in a legal temp agency?

The most important consideration is the number and quality of job opportunities. Larger agencies will have a higher volume of jobs, but smaller organizations may have niche markets and therefore will only be interested in lawyers who have experience in certain areas, who might also command higher rates.

Look for trustworthiness: if something seems fishy, don't sign on. Make sure that the agency does not submit your resume for consideration at any employer without your express permission – that could cost you a job opportunity if the employer prefers to recruit on their own to avoid paying the agency's placement commission.

Some staffing agencies also provide placement services or engage in “direct hire” relationships, where their customer may hire an attorney who is working for them through the agency.

Recent years have seen an increasing number of “alternative” or “virtual” law firms like Paragon Legal, Axiom Law and Rimom Law Group, which operate more like law firms but have more flexible arrangements for their attorneys who may work from home or on-site at the client’s offices and may work less than a 40 hour workweek. These firms generally have jobs for more experienced attorneys (at least three years of private sector work).

Should I sign up with multiple staffing agencies?

Spreading a wide net is generally a good idea, but you might encounter conflicting assignments, and saying “no” too often may make you less likely to get another call later. Make sure you scrutinize each opportunity carefully.

What does temp work pay?

The low end of the pay scale is for a recent graduate doing document review, who may make a similar amount to a graduate student instructor. Higher rates are available for those with more experience, especially if it is related to the kind of project that is being contracted out, or having a language proficiency which the project requires (ex: Mandarin). To improve your bargaining position, make sure the agency is aware of all your skills and experience, and keep working to build those skills. Update your resume as appropriate.

Will I be able to work from home at my temporary job?

Few agencies will allow this for relatively recent grads right away, but may consider it once you’ve established yourself with them. On the other hand, for more experienced graduates working through alternative law firms or organizations, working from a home office may be available or even expected.

Will doing contract or temporary work hurt my chances of getting a permanent job? How should I mention it on my resume?

Besides helping to pay the bills, temporary work can be a great opportunity to get experience of value to potential permanent employers. If you find yourself doing fairly routine and undemanding tasks, you might be well-served to try to balance this out by also doing more advanced legal work, even as a volunteer. If you are doing work which is out of your preferred area, either substantively or in terms of complexity or responsibility, there is more of an onus on you to show your interest and qualifications for a permanent job. This could entail volunteering, writing articles or other activities which show your abilities and continued interest in your target practice area.

Consider having a separate resume for temporary/contract attorney jobs highlighting relevant temp or contract experience, and another one for your search for full-time work. As much as possible, try describing your temp work in a way which emphasizes valuable skills or experience.

MORE RESOURCES ON FREELANCE LAWYERING

- Many reference books are available about starting and running a consulting business.
- [Podcast](#) on *Above The Law* about freelance lawyering.
- [Freelancers Union](#) is a nonprofit that serves the needs of nontraditional workers of all kinds, especially as to health insurance.
- Some Legal Staffing Agencies and Networks*

[AppearMe](#)

[Assigned Counsel](#)

[Attorney Assistance](#)

[Beacon Hill Legal](#)

[Counsel Unlimited](#)

[HIRE Counsel](#)

[JurisClerks](#)

[JuriStaff](#)

[On Call Counsel](#)

[Overflow Legal Network](#)

[Robert Half Legal](#)

[Scion Staffing](#)

[Special Counsel](#)

[TrustpointOne](#)

[Update Legal](#)

A few further organizations, notably [Axiom](#) and [Paragon](#), employ, on a contract or as-needed basis, only experienced attorneys rather than recent graduates.

[InCloudCounsel](#) matches experienced lawyers with clients exclusively for part-time transactional work. Some attorneys embrace these non-traditional arrangements as viable alternatives to full-time employment. Whether it's to tide you over until you land a full time job, or as a choice for a longer period in your career, contract and temporary work offer a gamut of options for lawyers looking for opportunity and flexibility,

*This is not intended to be a comprehensive list, and agencies are ordered alphabetically only. Please note that listing here is not an endorsement of any of these companies or their services, and be sure to exercise due diligence in contacting any of them, particularly with respect to terms and conditions for circulating your resume.