



21st Century Legal Career Guide

Where the Jobs Are The Hottest Attorney and JD-Advantage Opportunities

Establishing a satisfying legal career in this challenging, competitive legal employment environment requires a law student or graduate to research and investigate opportunities beyond traditional practice areas. To be successful, you also need to know what the future will bring. Is today's hot practice area or work regularly providing substantial billable hours or secure job with decent pay and benefits, going to be there when you graduate and beyond?

No one has a crystal ball, but **Richard L. Hermann** has spent his career— more than 30 years— researching, evaluating, and accurately predicting where the career opportunities will be for law graduates. He has counseled attorneys from new lawyers to 20-year practitioners on how and where to hunt for the next, best option. Even during times when law firm jobs were more readily available, Hermann also always looked to see where else a legal education could be put to work. In the 1990s, he wrote three editions of *JD Preferred: 600+ Jobs You Can Do with a Law Degree (Other Than Practice Law)* and says today the number of that type of job exceeds 1,000.

For this **21st Century Legal Career Guide**, Hermann uses his "Practice Area Analysis Template," developed over several decades, to evaluate emerging practice areas and future growth in both mainstream and JD Preferred (a.k.a. JD Advantage) employment. To qualify for inclusion in this Guide, a legal career field had to satisfy most, if not all, of the following Template criteria:

1. Supply and Demand. Ideally, the demand for individuals who can do the work should exceed the supply of qualified individuals.

- 2. Number of Job Opportunities.** The practice area should offer a large number of job opportunities relative to other practice options.
- 3. Sustainability.** The practice area should not be a flash in the pan. It should exhibit signs that it will be around beyond the present.
- 4. An Upward Curve.** The practice area should be a growth industry.
- 5. Geographic Scope.** Jobs should be available nationwide, or at least in a large number of geographic locations.
- 6. Relative Ease of Entry.** The practice area's learning curve should not be too steep to be conquered by a novice. Some affordable education or training should be available to supplement basic legal education and experience.
- 7. Ideally, It Should Be New or Different.** The practice area should allow for opportunities for practitioners to be among those who are "first-past-the-post."
- 8. Distinctive Value Proposition/Competitive Advantage.** Practice area knowledge should be able to provide the elements of a unique selling proposition for a job campaign.
- 9. Threat Analysis.** Is this practice potentially subject to substitution of a human lawyer by a disruptive technology...or something else? And how soon could this happen?
- 10. Compensation.** Will this career field allow someone to manage his/her student debt effectively?

This Guide:

Highlights practice areas and employment opportunities for you to explore as you consider what courses to take in law school and where to find success in your legal career. Once you identify career fields of interest to you, take the next step and investigate further with Hermann's *21st Century Legal Career Series*. The Series booklets provide an in-depth look at the employment area* including sections on: The Work; Where the Jobs Are; What Does It Pay; Breaking In; JD Advantage Job Opportunities; How to Get Advantage Notice of Job Opportunities . (The booklets are available through legalcareerview.com, amazon.com and in print at nalp.org/bookstore.)

Where the Jobs Are:

Data Protection Law: Privacy and Cybersecurity Leap to the Fore

The current—and future—demand for attorneys who understand the legal implications of cyber threats and how to manage and defend against them, and both assess and control the damage they wreak, is intense. Data protection law is one of today's hottest practice areas and one that is likely to be just as hot an arena of business, personal, and legal concern for many years to come.

21st Century Legal Career Series Volume 1

Compliance: The Fastest-Growing Corporate Discipline

Compliance is exploding all over the map. The U.S. Department of Labor's Bureau of Labor Statistics (BLS) (www.bls.gov) says that compliance is one of the fastest growing occupations in the U.S. A cascade of laws and regulations, plus vigorous government enforcement, has also upgraded the nature of the compliance function. Consequently, candidates armed with law degrees are viewed very favorably by employers seeking compliance professionals.

21st Century Legal Career Series Volume 2

Health Law: Hot...and Getting Hotter

Health law jobs are abundant, due to: the Affordable Care Act (ACA); HIPAA and its Omnibus Rule; healthcare costs, which have risen at three times the inflation rate for 30+ years; poor quality care—the World Health Organization (WHO) ranks the U.S. healthcare system a dismal 37th in the world; technological innovation; globalization; an aging population; and regulatory burdens affecting millions of businesses and individuals.

21st Century Legal Career Series Volume 3

Energy Law: Fueling a Dynamic Legal Career

Energy law is destined to be a central focus of legal concern for as far out as the eye can see; consequently, an arena that is a job-creating juggernaut and one that aspiring attorneys should carefully consider.

21st Century Legal Career Series Volume 4

Intellectual Property Law (for Everyone): “Soft” IP Opportunities for Non-STEM Attorneys

This is the best time in history to contemplate a legal career in intellectual property (IP) regardless of your educational background aside from law school. Whether you combine your law degree with a STEM (Science, Technology, Engineering, Mathematics) background, or come to law from a purely liberal arts orientation, there are exciting opportunities for you in intellectual property.

21st Century Legal Career Series Volume 5

Risk Management: Attorneys as Indispensable

Risk management is the process of identifying and managing threats to an organization, including its very survival. Risk management has been a rising JD Advantage profession for almost two decades, and one in which attorneys can enjoy a very rewarding career. It is estimated that approximately 20 percent of risk managers have a law degree.

21st Century Legal Career Series Volume 6

The Administrative Law Revolution: Learning to Litigate in a Forgiving Environment

Administrative litigation is one of the hottest law practice areas going, and it is heating up even more, due to demographics. Two demographic phenomena are hitting the U.S. at the same time: (1) Age. 78 million Baby Boomers (Americans born between 1946 and 1964) are “aging up” at a rate of 10,000 per day); (2) Veterans. The U.S. now has 26 million veterans. In addition to the “Big Three”—Social Security Disability Income cases, Medicare appeals, and Veterans appeals, a variety of other federal and state forums hear administrative cases.

21st Century Legal Career Series Volume 7

Digital Assets Practice: Three New Practice Opportunities in One

The march of technology has created a vast storehouse of individual and corporate digital assets. Until very recently, these were not included in people’s estate plans. But since estate plans are designed to pass assets to one’s heirs, digital assets are becoming increasingly important factors in estate planning. Digital assets have also become central to business success and survival, and must be addressed in business succession plans and in mergers and acquisitions.

21st Century Legal Career Series Volume 8

The Education Sector: Overwhelmed by Law

American education is experiencing tectonic shifts that bode very well for legal employment. These result from a variety of factors—globalization, technology, dissatisfaction with dismal academic results, runaway tuition costs, and regulatory complexity. Education is undergoing creative destruction that is throwing over old ways of doing things such as delivery of learning while creating new opportunities in both mainstream legal venues and JD Advantage realms.

21st Century Legal Career Series Volume 9

Law Teaching and Training: Opportunities Knocking at the Schoolhouse Door

U.S. law schools are a mature industry and not a great place these days to be looking for teaching positions. But that does not mean that law teaching jobs are static or disappearing. There are far more law teaching positions available outside of law schools than within. Attorneys now teach law courses in undergraduate institutions, graduate departments, paralegal schools, foreign universities, government, corporations and even law firms.

21st Legal Career Series Volume 10

Insurance Legal Careers: Opportunity in Expected—and Unexpected—Places

The Insurance industry is doing very well and continues to thrive regardless of the ups and downs of the global or national economies. Insurance jobs for attorneys are proliferating. The number and diversity of both mainstream and law-related jobs favoring candidates with a JD is large and growing. The insurance industry knows from experience that lawyers bring both a strong skill set and dogged work ethic to their jobs.

21st Legal Career Series Volume 11

JD Advantage Jobs in Corporations: Expanding the Legal Function

As a rule, corporations do not hire new law graduates for their in-house counsel offices. Instead, they favor lateral candidates armed with a few years of experience. That is not the case, however, for JD Advantage jobs that have emerged in corporations in large numbers in the 21st century. The mere fact of having a law degree is becoming increasingly prized by companies for these positions.

21st Century Legal Career Series Volume 12

Tricks of the Trade (and Professional) Associations: A Huge “Hidden” Legal Job Market

Almost 1.5 million nonprofits are registered with the Internal Revenue Service. Associations do not come immediately to mind when you encounter the term “nonprofit.” They should, because many of them share four features that should be of interest to every attorney: (1.)They have substantial assets (more than \$2 trillion in the aggregate); (2.)They employ tens of thousands of attorneys; (3.)You can find these attorneys in places other than just the in-house counsel office; and (4)They are corporations. Consequently, they share many of the structural features of their for-profit counterparts. Lawyers who work for their in-house counsel offices have many of the same responsibilities as their commercial company brethren. Like commercial corporations, associations also hire lawyers for a variety of JD Advantage jobs.

21st Century Legal Career Series Volume 13

Trains, Planes, and Automobiles: The Transformation of Transportation Law

Transportation is one of those dynamic industries where technological innovation has accelerated far beyond the law’s ability to understand, manage, or regulate it. Anytime this happens, such a “law-technology gap” creates attorney and often JD Advantage job and career opportunities.

I, Robot Lawyer: Opportunities in Autonomy and Artificial Intelligence

Robotics law has emerged because robots are such an increasingly important presence in society and the economy. They are central to innovation and advanced manufacturing, and are rapidly moving beyond the factory into homes and transportation, and are being “outfitted” with increasingly sophisticated artificial intelligence (AI). Robotics and AI will require a vast body of law and regulation. This, in turn, is guaranteed to generate job opportunities for attorneys.

Food Law: Bulking Up a Formerly Quiet Practice

For most of our history food safety regulation has been the poor stepchild of federal regulatory concern. Within the two federal agencies with primary responsibility for food safety (U.S. Department of Agriculture and Food and Drug Administration,) this mission historically played second fiddle to more primary concerns. Not anymore. Thanks to a recent, sweeping legislative reform of food regulation, food safety is on the cusp of a robust expansion that has dramatically changed the landscape for attorneys interested in jobs and careers in food safety practice.

Fashion Law: Refashioning a \$375 Billion Industry

Fashion Law, a practice area buried deep under the radar until very recently, is emerging as a hot new opportunity for attorneys. Moreover, the fashion industry offers both exceedingly deep pockets and a practice that is both dynamic and global in scope, as well as profoundly affected by technology.

Elder Law: Boosted by a Demographic Tsunami

To date, Elder Law has been the province of sole practitioners and small law firms willing to pursue modest fees for tackling traditional Elder Law issues: revocable living trusts, wills, trusts, powers of attorney, living wills, health care proxies and directives, pet trusts, irrevocable trusts, charitable giving, business succession planning, small business planning, disability matters, conservatorships, Medicare appeals, physical abuse and neglect, nursing home rights, age discrimination, grandparent visitation rights, late-in-life marriages, etc. That is changing, as practitioners become savvier about where the big bucks reside in this heretofore staid practice area, such as elder financial abuse.

Marijuana Law: Splendor in the Grass

Where there is big money, attorneys will not be far behind. Whereas California had only one marijuana lawyer in 2014, today it has many more. In Colorado, the first state to permit and implement recreational pot, there has been an explosion of interest in a marijuana law practice, including a rapidly growing number of attorneys and small law firms that specialize exclusively in this practice area. Mid-size and larger law firms are establishing niche practices.

Now that other states are jumping aboard the recreational marijuana bandwagon, you can expect their attorneys to emulate what has been happening in Colorado over the last two years.

Wine and Viticulture Law: Flowing and Growing

Fifteen years ago, there might have been 20 full-time wine law attorneys in the entire country, almost all of them practicing their craft in the small geographic area from San Francisco north to the Napa Valley and Sonoma County, California. Not anymore. Today, the explosion of viticulture and winemaking encompasses 236 federally-designated wine regions in 24 states and climbing, representing exponential growth. Along with this comes new job and career options for legal/wine connoisseurs interested in a practice that combines general legal knowledge with experiences unique to a most pleasant legal endeavor.

Gaming Law: Job-Hunting with House Money

Gaming law is one of the hottest practice areas to emerge in the 21st century. It has gone far beyond the days when it was limited to Nevada and New Jersey practitioners and is now a national practice, in fact, one that can be engaged in from anywhere. The demand for gaming lawyers is ever-expanding and, while the practice is complex and constantly evolving, the learning curve is not that steep.

Contracting and Procurement: Old Regime...New Opportunities

Contracting and procurement, one of the oldest of all law practice areas, is undergoing a rebirth. First, because there are more deals than ever going down. Second, because what was formerly a little-known, but very lucrative, specialty practice reserved for a few lawyers is rapidly becoming a very big deal and one that is open to any attorney. The U.S. government is becoming much more aggressive about investigating what it deems questionable contractor and grantee behavior, and apparently there is a lot of that. As a result, the number of suspensions and debarments of federal contract and grant recipients is growing. And that means legal jobs and business opportunities.

Nontraditional Family Law: New Models Create Legal Opportunities

This emerging and burgeoning specialty practice is scrambling to catch up with the demographic and social upheavals affecting the American family. The traditional family model—a mother, father, and children—is now found in only about 25 percent of the nation's households.

The legal needs of nontraditional families are often different from those of the traditional family and present a growing opportunity for legal representation. Nontraditional family law is an evolving practice. There are many different family structures and family law is in the early stages of dealing with them in an organized way. Representation includes counseling clients on formalizing domestic partnerships, pursuing benefits, domestic and international adoption, alternative reproduction, financial matters, as well as all of the issues customarily associated with the end of relationships.

Labor and Employment Law: Alive and Thriving

Labor and employment law have, for some time now, been going in opposite directions when it comes to legal and law-related job and career opportunities. Private-sector unions now represent less than 7 percent of the U.S. work force, down from 24 percent a generation ago. However, there are hints of a turnaround here.

In contrast, employment lawyers are doing better than ever. The demise of organized labor – and consequently of labor law – has been “offset” by the prodigious rise to prominence of employment law. Employment law practice is incredibly diverse and includes an immense array of issues.

Alternative Dispute Resolution: Maturing and Expanding

ADR has become an omnipresent means of resolving disputes of every type and is now a fixture in American society. The concept of a cheaper, less contentious, and more efficient dispute resolution process as an alternative to expensive, protracted and highly contentious litigation has been incorporated into the daily operations of many industries, courts, government agencies, collective bargaining agreements, etc.

Entertainment, Sports, and Media Law: A Dream Career

Many of my former company’s male clients seeking legal career transition assistance expressed a “dream” desire to become sports agents. A substantial number of their peers—both men and women—harbored similar dreams of careers in either media or entertainment law. While such careers may, at first glance, appear unattainable, a number of recent developments have brought them from the realm of dreams closer to being a more realistic aspiration.

Six phenomena combine to make such dream careers achievable: Money; Technology; Scandal; Regulation; Proliferation; and Credentialing.

White Collar Crime: Fraud...The Gift That Keeps On Giving

White collar crime practice is white hot. The more enforcement takes center stage, the more it appears to incentivize evildoers to commit more crimes and fraud. This presents an array of job opportunities for both “sides”: government enforcers and private sector advisors and defenders.

Court Administration: A JD Advantage Job Market under the Radar

The United States is the “court-richest” country in the world by far. In addition to 207 federal tribunals, there are hundreds of federal administrative courts and boards. These are dwarfed by the more than 25,000 state courts. The vast majority of these courts have professional staffs consisting of many different disciplines, including many attorneys working in numerous capacities.

Financial Services: Attorneys Wanted

Financial services is a vast and increasingly complicated industry, comprised of tens of thousands of private sector organizations (banks and insurance companies being the most numerous) as well as a large number of public sector regulators and monitors at both the federal and state levels. A number of major legislative developments have transformed the financial services industry in the 21st century, kindling dramatic attorney and JD Advantage job creation.

Government Relations: Everybody's Doing It

Government Relations is a booming field populated by tens of thousands of lawyers and non-lawyers at the federal level in the Washington, DC area, state capitals, and within trade and professional associations and other organizations with interests affected by government action. The profession values multidisciplinary skills and diverse talents, including a legal background, marketing, communication, and management skills.

Immigration Law: A Two-Tier Practice

There have always been two completely different, unrelated strains of immigration practice: the better-known “individual” practice; and the lesser known “business” practice. Immigration is certain to continue to be a hot-button issue for a long time to come, which means a central role for attorneys in dealing with its complex resolution.

Real Estate Practice: The Ultimate Countercyclical Practice...With Some New Twists

Real estate has had its ups and downs in the 21st century. What many law students and practitioners don't realize is that attorneys can insulate themselves against the ups and downs if they plan ahead. For example, every time interest rates go up, the downside is that real estate projects—the development side—get put on hold and business declines. However, the “distress” side of real estate—foreclosures, short sales, bankruptcies, etc.—booms. When rates go down, the opposite occurs and “upside” real estate lawyers thrive while the distress practice wanes. One of the “insulation” keys is to be able to handle both scenarios.

Taxation: Demand is Always There

Taxation is always a fertile field in which lawyers can ply their trade with the assurance that it will always be with us. Tax practice consists of four major sub-specialties: Tax Planning; Tax Compliance; Tax Transactional; Tax Controversy.

Workers' Compensation: An Ancient Practice Heats Up

The very long-in-the-tooth practice of Workers' Compensation law is suddenly not quite as mundane as its long-time reputation. It is heating up due to (1) demographics and (2) attempts at process reform. This can be a rewarding practice for both plaintiffs' and defendants' attorneys, with a number of collateral, derivative practice opportunities that are also at the nexus of medicine and law.

Economic Development Law: Assisting in the Scramble for Business

Every U.S. state and municipality is engaged in a fierce competition to attract and retain businesses. The economic development universe consists of more than 2,500 organizations that both hire attorneys and engage outside counsel to advise and assist them in their business attraction and retention efforts. In addition to raiding other U.S. jurisdictions for new business, globalization has expanded these efforts—and competitions—far beyond U.S. borders.

These are 35 of the hottest legal fields in the 21st century... to date and into the future. Some of these are traditional practice areas that have been energized by recent developments, such as Nontraditional Family Law; others are entirely new, such as Digital Assets Practice. Much more detailed information about these specific hot fields can be obtained from the 21st Century Legal Careers Series by Richard L. Hermann that debuted in 2017; available in print at nalp.org/bookstore and e-book at amazon.com.

**For updates on booklet publication, as well as advice on job hunting and career management skills, visit LegalCareerView.com.*

And.... don't believe the prevailing, uninformed mantra that there are no jobs out there for attorneys!