



Lawyers Share their Experience on Career Move: Transitioning from Government Lawyering to Private Practice and *Vice Versa*

*By Arghavan Gerami**

On April 12, 2011, the OBA Public Sector Lawyers held a seminar in Ottawa entitled “Greener Grass? Transitioning from Government Lawyering to Private Practice (and from Private Practice to Practising in the Public Sector). The speakers were Cliff Sosnow, Partner and Chair of the International Trade and Investment Group of Blake, Cassels & Graydon LLP, Andrejs Berzins, Ad hoc Agent of the PPSC and International Consultant on Justice Systems, (formerly Chief Crown Attorney in Ottawa-Carleton), Clive Savage, Counsel, Justice Canada and President, CCLA (formerly at Nelligan O'Brien Payne LLP), and Tracey McCann, Senior Counsel, Justice Canada (formerly in private practice at McCann Law Offices).

The seminar provided insight from very experienced lawyers who made the leap in both directions (between private practice and practising as a government lawyer). They spoke on what to consider before making the transition, adjusting to the transition; and lessons learned. This article provides some highlights from the presentation and discussion at the seminar.

Mr. Sosnow talked about his experience in the public sector and the reason for his decision to transition to the private sector. Mr. Sosnow’s motivation for the move was the limited room for advancement and compensation in the government. His area of expertise is trade law and he indicated that his public sector experience was indispensable in the private sector. He has enjoyed working in the private sector, and building his practice and overall, he is happy he made the decision to transition to the private sector. Mr. Sosnow has recognized that private practice is very much socially driven, and one has to continuously foster and maintain client relationships.

For Mr. Berzins, the biggest surprise in making his transition from public sector to international consultancy was that he did not miss his previous work. In transitioning to international consultancy, he was delighted to find that his skills were valued internationally. Mr. Berzins, who has been involved as a consultant on some justice system reform projects in different countries, is working currently with the UNDP in Turkey in the area of access to justice. He is about to start work on another project dealing with criminal justice system reforms in Sudan, which is funded by the UK Department for International Development.

His experience with international work has shown that one project leads to another because of contacts that one tends to establish. He advised that it is important to start somewhere, even as an unpaid volunteer, if needed. Funding organizations such as Canadian International Development Agency and the United Nations value an individual's prior international experience when considering applications and that one needs to build up experience.

Mr. Berzins spoke of specializing in an area of law that is in demand. For example, he has found that many international projects seek to improve public "access to justice", which is a problem in many countries. Canada is highly regarded in this area because of our programs. "Access to justice" is a broad area and includes, for example, legal aid and public legal education, reducing court delays, simplification of legal procedures, ADR, gender equity, domestic violence, children's rights, complaints mechanisms, ombudsmen, restorative justice etc. Similarly, the use of mediation and arbitration, expertise in constitutional law and the law governing elections are often in demand and it is helpful to attain special skills and experience in such areas.

Mr. Savage talked about his transition from Nelligan O'Brien Payne LLP to the Aboriginal Affairs Section of the Department of Justice. He was surprised by the cross-over between two completely unrelated subject areas; he found his experience in private practice was immediately useful in his new position at the Department of Justice. Mr. Savage is pleased with the change in lifestyle, and the extra time he is now able to spend with his family.

Ms McCann has practised for 10 years as a criminal defence lawyer before making the switch to the public sector, Department of Justice. She highlighted the demands of private practice, especially the "face time" required with clients. While private sector firms are beginning to realize that they need to be more accommodating, the business model they are structured on and the "billable hours" often require commitment of long hours.

At the end of the day, the speakers noted that one has to be open to making a change and not allow the fear of the unknown to hold one back. All of the speakers were happy with their decision to make a transition. They emphasized the importance of making an informed decision when considering a career move, recognizing that there is an inevitable balancing of the pros and cons. According to them, ultimately one has to determine what is most suitable and realistic for one's circumstances and make a decision.

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