No Offer From Your Summer Employer: How to Understand It and How to Leverage It

Each fall a number of law students return to law school from their summer jobs without offers of permanent employment. While this may make it currently difficult for the returning student, the situation is in no way permanently limiting or insurmountable. Students without offers from previous summers DO succeed in finding jobs and going on with their legal careers. How you understand the circumstances from your summer experience will in fact help you get placed in the right position in the future.

So let’s take a look at what you need to understand now in order to interview effectively in the future. You need to know:

- Why you did not receive an offer
- What to say to discuss the situation in clear, factual terms
- What you can take with you as an employer reference
- What to say that highlights your strengths, interests, abilities, and enthusiasm for law

Read the following paragraphs. They list many different reasons why a firm may not extend an offer to a summer clerk. Once you understand your own scenario, you will be better able to leverage the situation in your next interviews.

Next, select the things you can do or say to successfully leverage your summer experience. Like you, many summer clerks have referenced this information and gone on to the next step in their successful legal careers. We trust this information will help you as well.

**Reason #1: Your employer’s policy or practice is not to give offers.**

**How to Understand It**

Remember that policies on extending offers of future employment vary widely among employers.

Some make it their policy never to make permanent offers to 1L summer clerks; others make offers for a second clerkship after the student’s second law school year.

Still others (particularly small firms) do not usually make offers to 1L or 2L summer clerks, or if they do, they don’t make the decision until late in the spring or after admission to the bar.

**How to Leverage It**

- Be clear about how your own situation fits the employer’s policy.
- Solicit strong references from your summer employer, and gather samples of your written work.
- *Important:* Always obtain permission from your supervising attorney to use materials you have written in your summer job as a writing sample. Also, delete names and any other information that might compromise client confidentiality.
- Tell potential employers about the “no-offer” policy.
**Reason #2: Your employer gives offers but you didn’t receive one.**

**How to Understand It**

Employers decide not to extend offers to summer clerks for many reasons. Sometimes the reasons are clearly explained to the student, but more often, the explanations are vague.

This may be due to some of the following reasons:
- personal disagreement about not extending an offer
- limited understanding of the reasons for not extending an offer
- discomfort or avoidance in telling someone bad news
- economic problems within the firm
- a personality clash
- another reason the employer finds awkward to discuss

(If you believe that the decision not to extend you an offer was based on discriminatory or other illegal reasons, please make an appointment with an LCS advisor to discuss the situation.)

Most employers will assist you in the job search process and fully cooperate as you plan and carry out your search.

**How to Leverage It**

- Determine as best you can why you didn’t receive an offer.
- Solicit a clear explanation from your employer of the reason for not extending an offer.
- Understand what the employer will say to prospective employers who inquire about you.
- Ask one or two attorneys within the organization to give you positive references.
- Determine how many offers (if any) were made to other summer clerks in the firm. Also determine how many of your law school classmates did and did not receive offers. The higher the proportion of students who did not receive offers, the less weight prospective employers will give to your lack of an offer, and vice versa.
- Continue to maintain a cordial working relationship with the summer employer.

**Reason #3: There is a “lack of fit.”**

**How to Understand It**

Law firms often tell students that they liked the student and his/her work, but that the student just didn’t seem to be a good match or fit with the firm.

Here you are actually in a good position if you remain factual and objective. Prospective employers may see your summer firm as a place where they would not fit in either. They may recognize that that firm’s style, culture, or personality is unlike their own.

**How to Leverage It**

- Briefly describe the situation factually to your prospective employer. Be objective, never negative.
- Describe how you used the knowledge you gained over the summer to select the employers you are now targeting.
- Explain the summer projects that you found challenging and enjoyable.
- Stress what you liked in the work and that you look forward to practicing law.
- Leave the prospective employer with the impression that your personality and work style are not problematic.
Reason #4: You decide to “opt out.”

How to Understand It
For one reason or another, students may decide early in the summer that they are not interested in working for their summer employer in the future. In some cases, students may even verbalize the early decision. This can be detrimental to receiving an offer.

It is in your best interest to receive an offer from a summer employer, whether you think you will accept this or decline.

How to Leverage It
- Be aware that a decision to “opt out” during the summer may affect your attitude toward the summer program, your colleagues, the attorneys, the staff you work with, and the quality of your work. Result: it is unlikely you will receive an offer.
- Always continue to do high quality work, conduct yourself in a professional manner, and show that you are engaged in your work and with other members of your firm.
- It is probably a good idea to tell prospective employers that you decided early on that you were not interested in working with the firm in the future. Acknowledge that you could have let your disenchantment show. But tread lightly. Be careful to be factual and objective. Interviewers will often respect an honest appraisal of the circumstances and your role in them, provided you express this diplomatically.

Reason #5: There is an “unsatisfactory” work product or “poor judgment.”

How to Understand It
Sometimes an offer is not extended because of a negative assessment of the quality of a student’s work. “Quality” may mean poor performance of one or more critical skills—such as writing, research or analysis—or it may mean that while the student’s work is generally acceptable, it is still below the standards of that firm or the work of other summer clerks.

Ideally, employers would be in regular communication with the summer intern, giving specific and clear feedback about—
- performance area(s) needing improvement
- professional judgment and integrity issues that may need to be addressed

Throughout the summer, the student would be given the opportunity to correct the situation by improving his or her skills or interactions.

In reality, extensive and timely feedback is often the exception rather than the rule. Employers may give

How to Leverage It
Throughout the summer, regularly check back with your employer about your work—areas where you are strong and areas you need improvement. Work with your employer on the areas to improve.

At the end of the summer if you are told that no offer can be extended because your work was deemed unsatisfactory,

- Work to learn from the experience. Ask about specific instances and projects: where could your work have been stronger? Which areas needed improvement? (Have them also tell you which were your strong areas.)
- Ask what assessment the employer will give when potential employers inquire about your work. Be clear about what information will be stated so that you can respond in your next interview situation.
- Work with an LCS advisor to gain perspective on this experience and formulate a positive strategy to use form here.
How to Understand It (cont.)

vague (or no) “signals;” and employees may not be aware of or possibly avoid “signals” given. Thus students may believe their work is satisfactory throughout most of the summer only to learn later than their work was deemed unsatisfactory; no offer is forthcoming. The student loses the opportunity to correct a problem, and the employer loses a potential attorney.

**Reason #6: There may be law firm economic problems.**

**(How to Understand It)**

Sometimes employers cannot extend offers due to economic factors of which they may or may not have been aware. Thus they may have hired too large a number of law clerks.

Some firms are candid in disclosing this information to their summer clerks; others are reluctant to do so because if could reflect badly on the firm. There could be potential negative effects on future recruiting efforts or on the firm’s reputation with clients and other firms.

If the firm does not acknowledge that economic problems are the reason for not extending an offer and you believe this to be the reason, you may find yourself in an awkward position.

**(How to Leverage It)**

- Find out the ratio of offers made to the number of law clerks this year vs. the number of law clerks last year. You can point this out to your potential employer.
- Stress the positive contributions your personality and professional ability made to the firm, using documentation to support your statements. You can indicate that the lack of an offer was not due to your personality or your professional ability.
- Point out that you were told your work met the summer firm’s standards; they liked you; and they would have made an offer if there had been space for you.
- Always keep your statements positive. (Remember that negativity could cause employers to fear you could treat them the same way at some future date.)

**Reason #7: There may be personality conflicts.**

**(How to Understand It)**

Personality conflicts can occur between a summer clerk and one or more attorneys with whom the clerk interacted during the summer. Such a conflict can result from a misunderstanding or some other behavior.

The conflict can cause a work product to be evaluated as of poor quality, and in the most extreme case, an offer to be withheld. Such a situation is, of course, seldom cited by the employer as the reason that the student didn’t receive an offer.

**(How to Leverage It)**

- Find other attorneys within the firm who liked you and your work. Ask them to act as references with prospective employers.
- When interviewing a prospective employer, be sure to never describe situations or individuals as troublesome. That prospective employer may well decide you are a potential troublemaker and not wish to consider you further.
Reason #8: Office politics play a role.

How to Understand It

Any number of factors can be a work when an offer is not made because of in-house political reasons. For example, there may be firm management problems, financial considerations, power struggles, or mismatched personalities.

Most firms are reluctant to state any of these factors as the reason for not extending an offer. Often they state some other reason, including those mentioned above or a “poor fit.”

How to Leverage It

- Find other attorneys within the firm who liked you and your work. Ask them to act as references with your prospective employers.
- When interviewing a prospective employer, be sure to never describe situations or individuals in a negative light. As mentioned above, that prospective employer may well decide you are a potential troublemaker and not wish to consider you further.

Strategies for Success

While not getting an offer is a disappointing and difficult situation in which you find yourself, over the years many students have had that experience and have established successful and satisfying legal careers.

The lack of an offer can make the job search process more difficult and more time consuming, in some cases to an extreme degree. It may even keep you from consideration by some employers. It is not, however, an insurmountable problem, and the strategies described in this handout should help you. They have worked for many other students over the years, and they will benefit you as well. Do not hesitate to make an appointment with an LCS advisor to talk about your job search path. Law Career Services is here to support you in your continuing legal career.