

Thoughts on Making the Move from Federal Prosecutor to Big Law Partner

By Ross Todd

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In yesterday's column we highlighted a report noting a recent uptick in white-collar hiring at Am Law 50 and Magic Circle firms in London, New York, Washington, D.C., and the San Francisco Bay Area.

Sometimes it's better to be lucky than to be good.

Serendipitously, we had a sit-down in the works this week with three relatively new white-collar partners at **Cooley** (#19 in the latest Am Law rankings), based in Washington, D.C., New York and Silicon Valley. **Danny Grooms**, former chief of the criminal division of the U.S Attorney's Office for the Eastern District of Virginia, joined the firm about five years ago in D.C. **Rebekah Donaleski**, former chief of the public corruption unit in the Southern District of New York, joined Cooley last year. **John Bostic**, one of the lead prosecutors in the Theranos cases in the Northern District of California, joined the firm's Palo Alto office this spring.

Grooms, Donaleski and Bostic are but three of the dozen former federal prosecutors the firm has brought aboard in the past five years. The firm has a pretty remarkable retention rate with those hires: all remain at Cooley except **Elizabeth Prelogar**, who left the firm to become U.S. Solicitor General, and **Lindsay Jenkins**, who has since been appointed to the federal bench in the Northern District of Illinois.

We asked Grooms, Donaleski and Bostic what the transition from the government to private practice



Courtesy photos

(l-r) John Bostic, Rebekah Donaleski, and Danny Grooms of Cooley.

was like for them and what firms that are bringing on lawyers directly from government service need to keep in mind.

The following has been edited for length and clarity.

Lit Daily: What did your prior roles prepare you for when it comes to life as a Cooley partner? And what did they not prepare you for?

Danny Grooms: What being both a prosecutor and also in leadership at DOJ really prepared me for, I think, is that you can't so much plan your day as prepare for your day. Understand you're going to be responding to the needs of those you're working with. That was true in many roles I had in DOJ, especially working in national security. But it has fundamentally been true in terms of working with our clients when

issues emerge. You respond to those needs and you work to address them in real time. It's about being accessible, being ready to jump to the next thing, to move to the next fire. That's what I think we all find exhilarating about the work we did in government and also about the work in private practice: being in a role where you're doing an array of things, not just one thing over and over again.

In terms of things I was probably less prepared for, it is a different thing to no longer be part of the government and have all of the authority and the power and the ability to obtain information that comes along with that. It's a bit bracing when you first experience that.

Rebekah Donaleski: Being a public corruption prosecutor in this day and age requires a sense of creativity and innovation. That has been very helpful in representing the types of clients that Cooley represents, like life sciences and tech companies, young public companies who are solving big problems and innovating in spaces where the government is laser-focused. Having that ability to be nimble and to be creative from my time in DOJ has been extremely helpful here.

On the flip side, I will say that I was not prepared for what it would feel like to no longer know the news before it happened. When you're on the other side and you're not in the know, you have to find different ways to find out information.

John Bostic: For me, I would highlight investigative skills. Half of what a prosecutor does is investigate. You need to find out what happened and put the case together before you can even charge it. In my role of being a federal prosecutor in Silicon Valley, that meant frequently investigating cases involving public companies, private companies, companies in the high-tech spaces that really dominate the economy here. That experience has been really helpful. You cannot litigate without being able to investigate and find out what the important facts are and how you're going to prove them. You also need to be able to do that while preserving important relationships,

growing relationships and addressing other sometimes-competing interests.

One thing that I was not prepared for—but has been a pleasant surprise—is the resources. Danny was right about the authority of the government. But sometimes the resources when you're a prosecutor working on an individual case can be somewhat limited. Here at Cooley, if I need help from a junior lawyer on a case, I have that support. If I need document processing or top-of-the-line discovery management tools, I have that available. So I'm still adjusting to that, but it's a good problem to have.

Lit Daily: If you could go back to your prosecutor-self and offer one piece of advice to ease the transition, what would it be? What do you wish you would have known before making this move?

Bostic: Well, I'm just a few weeks in, but I think my advice would probably focus on the process of deciding to make that transition and finding the right firm. I'm very confident that I ended up at the right place. But if I could go back in time, I would assure myself that the process is going to take a long time. Don't worry about the fact that the evaluation process is something of a black box on the firm side. Take comfort in the fact that the length of that process reflects the fact that it's really important for both parties to make sure that they're finding a good fit, that the firm really has enthusiasm and a use for someone with your skills and experience. Then on your side, you are going to fit in well with the culture and structure and incentives at that place. So I would tell myself to relax, to learn as much as you can during that interview process and to be very selective, as I think I was.

Donaleski: My advice would be: in the first three to six months that you're at the firm, focus almost exclusively on building relationships. Build relationships within the firm. Build relationships outside of the firm. Really take the time to meet with people and it will pay dividends. Cooley's culture is so collaborative we are incentivized to bring other partners on. As for me, really being proactive about meeting my partners and understanding their practices has been incredibly

helpful for me now nine months in. I'm very glad that I took the time to build relationships in the first few months I was here.

Lit Daily: What should firms that are making hires out of prosecutors' offices be doing to integrate lateral hires from the government?

Donaleski: Coming out of government usually won't have a book [of business]. And so lawyers coming out of government will need time to make connections and time to build a practice. Firms should be aware of that. But if you look at Cooley's white-collar group, folks coming out of government have been incredibly successful in building a practice in a relatively short amount of time because we are incentivized to be collaborative, because our corporate partners are excited to put us in front of their clients. So, for firms looking to hire government lawyers, they should know that we're incredibly talented and hardworking and know how to litigate. But also, there's going to be more runway than a litigator who has an entirely portable book business. But that's not necessarily a bad thing.

Bostic: I would agree with all that. I would add that it's important for a firm and the other lawyers at the firm who are representing clients who may have interactions with the government to make sure that they take advantage of the former government lawyers that they have brought on board. The wrong way to do that is to wait until there's a criminal complaint or something formal. A white-collar lawyer with government experience can contribute to handling scandals in the news or disputes with former employees, when a client company is a victim of a hack, an internal fraud or something like that. I think being creative and open-minded and taking a broad view of when it's appropriate to involve a white-collar lawyer is really to the benefit of clients.

Finally, I think the advice I would give to firms who are hiring people like us is to think about what we can

do beyond the white-collar space. Trials and especially high-stakes trials are a very rare thing these days. And that means that lawyers with significant high-stakes trial experience are becoming increasingly rare. The government often provides those opportunities. People coming from the government have been first-chair trial lawyers for a number of years and have had those roles. And I think there's obvious benefit in having people with that skill set at a firm, not just to handle criminal or government-facing matters but also high-stakes civil litigation heading to trial as well.

Grooms: Let me flip it around and build up something that John said: I would encourage former or soon-to-be-former government attorneys to think about a breadth of practice much like John was just talking about. Think beyond the grand jury subpoena or the criminal investigation and think about being trusted counselors. In government, you're used to making decisions, not so much on giving advice. In the private sector, you really need to think about being a trusted adviser, a counselor. On the firm side, that involves thinking about how you're putting your former government attorneys in a position to build those relationships and to be trusted advisers and counselors. A lot of that does have to do with making sure you have the right internal incentives to reward the fostering of those relationships within your firms.

Think about who you're competing with. If that competition is internal among your attorneys, you're going to have a long and challenging road to building a government-facing practice—especially cultivating talent coming out of government for the reasons that John and Bekah were talking about. If you're thinking about that competition being external, I think you can reap the most benefits from your former government attorneys and build a team that works together to really deliver the best service for your clients.