

Running From the Law

Sky-High Salaries, Lavish Parties, Plush Offices—Life Is Good at Big Law Firms. Then Why Do So Many Young Attorneys Want Out?

By ROSS GUBERMAN

IN MY CLOSET, UNDER A BEIGE LATHAM & Watkins baseball cap, sits a faded brown T-shirt with LATHAM BOOT CAMP 1998 on the front. The firm had flown about 100 other new associates and me to an Arizona resort. I had just spent a month traveling the Mediterranean on Latham's dime—a "bar stipend," the firm called it—and had clerked the previous summer in the firm's offices, where for nearly \$2,000 a week I sailed on the Chesapeake Bay, enjoyed barbecues in the gardens of partners' homes, and soaked up the sun at beachside retreats.

At the Latham Boot Camp, we were served cocktails and platters of grilled alligator. Then we jumped from pool to hot tub to open bar before competing in a contest to see who could build the fastest stock car. (My team's crashed, causing a bloody knee but no lawsuit.) Firm superstars greeted and flattered us. One California partner told us how lucky we were.

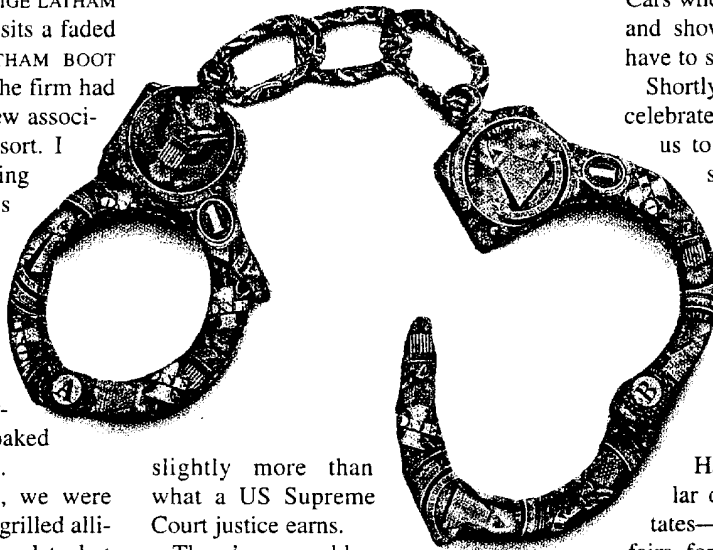
I suppose she was right. Of the 40,000 students who graduate from law school each year, only a fraction snag jobs at elite firms, the sort of places that require a gilded résumé to get in the door and a trial of fancy meals to ensure your social graces. By gaining admission to Latham, my comrades in Phoenix—mostly Ivy-bred superachievers with winning smiles—had won a race that began the day they entered kindergarten.

Even among the world's top law firms, Latham stands tall. Industry gurus consider

it among the best-managed firms in the country. *The Insider's Guide to Law Firms* approves of its brilliant, good-looking associates, and *American Lawyer* ranks its partners among the highest-paid on earth.

Founded in 1934, the firm has grown into a 1,300-attorney empire. Its millionaire partners are wealthier than ever and its reach even wider, with 18 offices from Washington to San Francisco to Singapore.

Today, three years after that Phoenix boot camp, Latham oozes success. The firm pays new law-school graduates \$125,000 a year plus a bonus. After three years at the firm, they'll make \$180,000 or more—



slightly more than what a US Supreme Court justice earns.

There's one problem. For all that Latham pays, it can't figure out how to hang on to its young attorneys. Nearly half quit within a few years.

This Could Be Yours

THE EXODUS FROM THE NATION'S TOP law firms confounds insiders.

A partner in one prominent DC firm complains, "The more we give in to associates' demands—sky-high salaries, sabbaticals, in-house massages—the more they leave." She leans forward and places her hands on her antique oak desk: "What do these associates want from us?"

She's right about the perks: The world awaiting our return from Phoenix made the fantasy law shop in John Grisham's

The Firm seem austere.

Latham's Washington offices boasted a Pennsylvania Avenue address with a marble lobby and a changing gallery of Asian art. My own office overlooked the Capitol. I worked with the latest in computer technology, swung around in the most ergonomic of chairs, and adorned my walls with expensive prints. The nameplate outside shone bright.

The firm makes working as easy as possible. There are free soft drinks and gourmet coffee, 24-hour copying services, dinners delivered to the office every evening, chauffeur-driven Lincoln Town Cars when it's too dark to go home safely, and showers and toiletry kits when you have to spend the night.

Shortly after I began work, the DC office celebrated its 20th anniversary by treating us to a resort weekend at the Homestead in Hot Springs, Virginia. We feasted while watching a skit mocking the pressures of the partnership track (the laughter was nervous) and enjoyed golf, spa treatments, and horseback riding.

A few months later, the office threw a black-tie holiday party at Sequoia at Washington Harbour. We were invited to regular dinners at partners' suburban estates—what one friend calls TCBY affairs, for This Could Be Yours.

SURE IT COULD, THOUGH EVEN THE most naive among us knew it wouldn't come without a price. We'd have to work hard—"They don't pay you that kind of money for nothing," everyone reminded me—and it would be seven or eight years before we'd have a shot at a stake in the firm.

What we didn't know was what many young lawyers before us had blissfully ignored and then understood only too late: Behind all the pomp, sheen, and spoils lies one of the most destructive work environments imaginable, one that offers endless money and security but saps your freedom and soul.

If anything, I held out longer than most. Soon after I arrived, an associate quit,

telling a partner, "I'd rather live in a box than work here one more day."

How could this be? What about those smiling faces who'd treated us to boat rides on the Chesapeake when we were summer associates? I was sure her experience was a fluke, and I continued to revel in the excitement of the firm. I sought out every project, approached everyone I could. Friends at Latham poked fun at my exuberance.

A few months later, I overheard a conversation outside my office.

"Did you hear Dick billed 320 hours last month?"

"Really? I heard he wasn't even on budget last year."

"I heard that, too. But in any case, he better watch out for Jane—she billed 2,730 last year and 2,860 the year before and is on pace this year for even more."

Then came the war stories.

"You know, I haven't slept for three days."

"Me neither. Actually, it's been four. And I'm off to the printer's all night tonight. By the way, did I tell you our Hawaii vacation is off?"

These two young attorneys had sterling credentials; they had once enjoyed hobbies, families, lives. Now they were talking about who had the more miserable lot.

The Cult of Hours

HOURS-AND-BILLING TALK WAS THE one thing that brought everyone together.

Now that the firm had seduced us, the days when partners shooed us out at 6 PM were no more. Instead we heard the drumbeat of budgeted hours; of annualized hours and targeted hours; of average, median, and projected hours. Latham and its competitors make time into a fetish and attorneys into production units.

It comes down to simple math. Every minute a law firm squeezes out of its associates means more money in the partners' pockets. It's a system of surplus value and exploitation that would impress Karl Marx.

It also promotes psychic warfare. Latham had abandoned the practice of publicizing monthly rankings of how much each associate billed, but many area law firms still circulate "productivity reports" to prod their charges into working every waking moment.

The big firms rarely spell these things out, but associates get the message when partners brag about how they never saw their family when they were associates.

LAW-FIRM VETERANS AGREE THAT A CAREER in a large firm, once the crown jewel of the profession, has fallen victim to an obsession with the bottom line.

"A lot of us hate ourselves for what

we've become," one soon-to-retire big-firm partner tells me as we look out the floor-to-ceiling windows in his K Street office. "We no longer recognize the practice of law as we knew it. I'd never want my kids to lead the life I've led."

He adds, "See those trinkets?" He points to a shelf lined with glass-encased corporate icons and other memorabilia clients have given him. "Each of those reminds me of another slice of my family's life that went to pot because I had to stay holed up at work."

In the 1970s, associates billed about 1,400 hours a year; in the 1980s, 1,800 was the target at even the largest firms. But at today's Latham & Watkins, billing 2,300 hours is typical, and 3,000 hardly raises eyebrows.

Some of what lawyers do all day—using the restroom, dealing with firm bureaucracy, explaining to spouses why they can't come home for dinner—doesn't count, so billing 2,300 can translate into working 3,000 hours or more. For many attorneys, that means getting home after 9 PM most weekdays and working weekends too. And it's not just for a short hazing period but month after month, year after year—for some, decade after decade.

One young Latham partner says, "Becoming a partner here is like winning an ice-cream-eating contest where the prize is a lifetime supply of more ice cream."

The cult of hours has other effects. Cheating, known as "timesheet padding," is a dirty little secret.

"What do you expect?" says an associate on the verge of leaving her DC firm. "There's every incentive for you to lie. The firm rewards you for your hard work and gets more money out of your inflated

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timesheets, you beat out your colleagues in the rat race, you're shielded from further assignments, there's almost no chance you'll get caught, and you tell yourself that it's a victimless crime—something you'd never do if your clients weren't wealthy corporations."

Like most other people interviewed, this associate denies cheating, though she suspects that many otherwise upstanding attorneys falsify their timesheets and at-

tribute their behavior to the realities of law-firm life.

Billable Showers

WHEN LAWYERS ACCUSE THEIR FIRMS of being sweatshops, firm honchos blame "client demands."

"That's bull," says an associate at a top DC law shop. "There are so many ways firms could make our lives a little less miserable. How about just hiring more associates? But that would mean paying out more salaries. How about capping the number of clients? But that would mean the partners would have to make do with a little less."

At his firm, that would mean a drop in a partner's income from about \$1 million a year to, say, \$900,000.

He calls me back the next day with some numbers:

"An average fourth-year at my firm bills about 2,250 hours a year at \$270 an hour, which means he brings in more than \$600,000 but gets paid less than \$200,000. Assume he had to bill only 1,800 hours—a joke at this place but hard work anywhere else. He would still bring in \$486,000, which would leave more than \$280,000 for overhead and partner profits. The reason we have no life is that the partners are greedy—no matter how much they make, they recoil at the thought that

the guy down the street might earn more. They've got nothing else to show for their lives, so it just kills them."

Associates are so angry with partners over these issues that the law-firm Web site Infirmation.com (click on "Greedy Associates") runs a network of self-mocking message boards. ("If the French truckers can strike, so can we," reads one post.) Co-founder Tom Antisdell says it's the only way for associates to have a voice.

Still, in their actions and outlook, associates mimic the people they scorn, quibbling over salaries and dividing their lives into billable time (good) and non-billable time (bad).

I once went to a movie with two law-school friends who worked at another firm. After the show, one said, "Frankly, those were two hours I would rather have been billing."

The other said, "I would rather have billed the first hour and watched the second, when all the good stuff happened."

"Almost all the partners here have terrible family lives," says an associate at an old-line firm.

"Even those who aren't divorced never see their children or are estranged from them."

ASSOCIATES REPORT FEELING GUILTY eating lunch or attending their children's school events. Some have been known to ask if they can bill for shower time as long as they think about their cases while soaping up. The answer is generally yes.

Firms debate whether you can bill for more than 60 minutes in an hour if you place several short calls during a single slot on your timesheet, whether you can count greetings and small talk, whether you can bill more than 24 hours in a day if you travel and cross a time zone. But these debates are only distractions from what matters most: trying to remember whether 2:06 to 2:12 was when you drafted interrogatory number three or called a partner about document number seven. And did it really take a whole tenth of an hour?

Says Patrick Schiltz, a former Supreme Court clerk and big-firm partner who has published an article in the *Vanderbilt Law Review* cautioning law students against following in his path: "Law firms must be the worst human-resource managers on the planet. When associates say they have no life, no variety, and no mentoring, all the

firms do is throw more money at them. It's no surprise that retention, already dismal, is now worse than ever."

MORE TROUBLING THAN THE NUMBER of hours, associates say, is the feeling that they're perpetually on call. One former associate's account is typical:

"There was a partner notorious for calling an associate at random every Friday at 5 PM and assigning a bunch of miserable busywork that he made you finish by 9 AM Monday. If you weren't there, he would track you down. You could never make any weekend plans."

That associate lasted a year. Other young lawyers talk about being forced to carry pagers and beepers, about receiving 7 AM calls on Saturdays and midnight calls in the middle of the week. To show they're "team players," these attorneys summon themselves on the office intercom late at night, leave their jackets on their chairs after they've left, and change the time on their computers so their supervisors think they sent an e-mail at 3 AM.

"Enjoy your honeymoon," a senior associate told me before I got married. "It's the last real vacation you'll ever take."

WAIT," THE BIG FIRMS MIGHT SAY. "We offer our associates a month of vacation, generous paid leave, the most progressive benefits."

Sure they do—on paper. But try telling that to the lawyer who took his family out west for a week, only to return on the first flight back to DC. Or the lawyer who had a fax machine wheeled into her delivery room. Or the one who worked through the night while suffering from an abscessed wisdom tooth.

I spent all day in the office one Fourth of July. The roof of Latham's building offered a vista of the Mall's fireworks. Several of us went up to enjoy the festivities, but most of the attorneys brought along binders stuffed with documents, and the clamor of shop talk drowned out the explosions.

On Halloween, an associate went home to take his kids trick-or-treating to a single house, then returned to the office while his wife picked up where he'd left off.

Thanksgiving, Christmas, and New Year's saw no shortage of lawyers who celebrated the holidays in the office, but one Valentine's Day stands out: A partner had made reservations at the extravagantly priced Inn at Little Washington but gave away the dinner and suite that afternoon so he could spend the night working on a deal.

"Is This Why I Went to Law School?"

IT'S A SIMPLE FACT THAT EVERY HOUR ATTORNEYS spend at work, thinking about work, or obsessing about work is an

hour they can't spend playing with their children or being active in politics, religion, or community—all "nonbillable" activities.

Lawyers are hardly the only ones to make sacrifices. What bothers many associates is having to waste so much time on busywork—drafting memos no one reads, plodding through cases when they don't know what's at stake. It's a far cry from what attracted them to law.

Firms like Latham boast that they handle the most "cutting-edge" matters for the most "high-profile" clients—the cases that are featured "on the front pages of major newspapers."

That's true. At Latham, I worked on a harassment claim against a talk-show host, the Salt Lake City Olympics bidding controversy, the largest Medicare-fraud investigation in history, and a lawsuit involving a Hollywood film library. I enjoyed telling family and friends I was a player, if only a bit one, in such "sexy" disputes.

But I left out a few details. Like the month I spent transcribing boxes of invoices into a 40-page table. Or the day and night I spent photocopying, indexing, and collating 300 exhibits due in federal court the next morning—only to climb into a taxi at 8:30 AM with all of my boxes, unshaven and dizzy from exhaustion, to complete the assembly in the cab. The clock was ticking so fast that the lawyer I worked for barked driving directions into my cell phone. On arrival, I was smeared with ink and dirt and had to find someone else to carry in the boxes. I returned to the office, took a shower, and resumed work on a new pile of documents that had arrived while I was out.

That was a bad day, but it's a story that rings true with many associates. One young lawyer who was recruited by a top DC firm after years as a Justice Department trial lawyer did virtually nothing but make charts for six months before he finally quit.

Another associate tells of an 18-wheeler parked behind his firm filled with 15 million pages related to a merger the firm was handling. "There but for the grace of God go I," he thought as he saw friends holed up for months looking through those papers one by one.

"IT WAS A SUNDAY NIGHT, AND I'D spent all weekend in the office," recalls a former big-firm associate who took an 80-percent pay cut to move to a public-interest job. "The lawyers I worked with were off in Japan, and they'd left me alone to fax thousands of pages halfway around the world using ten different fax machines. By 2 AM, three of the machines had broken down. Then one of the partners called me, screaming about some missing document. I burst into tears. 'Is this

why I went to law school?' I wondered."

Part of the problem is that the job of a corporate attorney is an accidental profession. Few dream of devoting their lives to bankruptcy workouts or to the federal preemption of the state employee-benefits laws. Even fewer expect to be screamed at for their poor faxing abilities.

No matter how much they're paid and no matter how proud their parents may be, young big-firm attorneys say they resent seeing friends building businesses, helping the homeless, prosecuting criminals, or working in any job where their labors have meaning.

Therein lies the biggest problem facing law firms today.

One young lawyer quit the DC branch of a New York firm after just two years. "I did corporate deals," he says, "which sounds glamorous but turned out to be nothing more than high-priced secretarial work—shepherding faxes, producing boilerplate, chasing after commas all night at the printer's."

A litigation associate says, "A paralegal could do most of what I do. It's just that some sucker is willing to pay \$250 an hour for my time."

Another associate who quit law to start his own company blames law-firm partners for being so mistrustful and risk-averse:

"Unlike doctors, who make life-and-death decisions from the get-go, young lawyers are constantly told, 'You can't take a deposition,' 'You can't talk to a client,' 'You can't appear in court.' Instead, they escort you to a warehouse to create an index."

I HAD THE CHANCE TO TAKE A DEPOSITION and to hobnob with clients—the "rewards" dangled in front of young associates. But the reality, I learned, was that taking a deposition means spending days in a windowless room asking a reluctant witness in 12 different ways whether she recognizes her own signature. "Client contact" often consists of accompanying partners to "beauty contests" to drum up business or listening to an angry litigant complain that the law firm's billing rates are out of control.

What people need from their jobs, psychologists say, is to feel as if their work has a tangible effect. Lawsuits take years, and corporate deals come and go; in the meantime, associates are left with no idea what role they play or what the client's ultimate goals are—or whether anyone cares what they think.

My six-figure salary, hefty billing rate, and graduate degrees aside, the biggest decision I made at Latham was to choose between two copy services. After much reflection, I chose the one that charged a half-cent less per page.

Looking for Soul

STUDIES SHOW THAT LAWYERS—BIG-FIRM lawyers in particular—suffer from higher-than-average levels of depression, substance abuse, anxiety, obsessive-compulsive disorder, divorce, and suicide. Part of the problem is that the public ranks lawyers' ethics somewhere below those of car salesmen—and many big-firm lawyers feel the same way about themselves.

After your elite law school instills a respect for the majesty of the lawyer's life, your heart may sink at devoting years to a nitpicking defense against a valid claim. Or at inhabiting a world of attorneys so obnoxious that the Virginia bar put together a civility code that promotes handshakes. Or at being assigned to research which countries allow the importation of leaded gasoline or unfiltered cigarettes or how a company can defeat safety regulations.

But what bothers many young lawyers is something more basic: the feeling that they're wasting so much time fighting for a cause that doesn't exist.

According to one study, 75 percent of lawyers don't want their children to follow in their footsteps. And in 1997, the *National Law Journal* described a survey in which nearly one-third of big-firm partners wished they'd chosen another profession.

Former attorney Benjamin Sells wrote in

The Soul of the Law that the psychological figure of the tyrant thrives in large law firms, dominated as they are by the careerist intolerant of debate and free expression, the workaholic who subscribes to a dog-eat-dog worldview.

In Sells's view, it's not that law-firm culture attracts the psychologically unfit. Instead, he says, law firms transform the balanced and thoughtful law-school graduate

You're inhabiting a world of attorneys so obnoxious that the Virginia bar has a civility code that promotes handshakes.

into the young attorney irritated at his grandfather for falling ill before an important court appearance, the attorney frustrated that his wife's shifting due date makes it hard for him to schedule a deposition, or the partner who assigns a project on Christmas Eve and demands that it be completed the next day.

Says an associate at an old-line DC firm: "Almost all the partners here have terrible family lives. Even the ones who aren't divorced never see their children or are es-

tranged from them. The thing is, I never know whether the partners' personal lives are bad because they work all the time or whether they work all the time because they're afraid to go home."

AT LATHAM, I LIKED ALMOST ALL OF THE attorneys, and I admired several for striking a balance in their lives or for having passion for their work. Compared with many firms, Latham had few real tyrants. I saw and experienced my share of abuse, but Latham was an agreeable place as big firms go.

What I discovered, however, was that the more time people spent at the firm, the more they jumped at perceived slights, harbored resentment toward colleagues, and buried themselves in minutiae at the expense of the world around them. Almost no one seemed better for having worked there.

So why do they stay? Are they seduced by the promise of wealth? It's hard to think of many professions that offer 25-year-old neophytes \$130,000 and pay many partners \$1 million a year or more.

But after the luxury of the "this could be yours" events, I was surprised to find that few partners lived in the sprawling homes with basketball courts and poolside kitchens we were taken to as summer associates, whether because of personal

taste or divorce costs and high taxes.

Do people stay for the promise of partnership? Striving to become a partner—and being a partner if you make it—is much less enticing now than in the past. The perception at Latham and many other firms is that partnership is a shot in the dark: A popular and respected associate is passed over, a schmoozer of middling talent rises to the top. Even those who make it find little real partnership. Partners now abandon their firms at the drop of a hat; firms have responded in kind by slicing partners into subcategories and forcing the less lucrative into retirement.

SO IS IT THE JOB THAT MAKES PEOPLE stay? Some attorneys find a niche in the law that intrigues them, get a kick out of defeating an opponent in litigation, or enjoy massaging the fine points of a deal. For the most part, though, associates say they feel buttonholed into a specialty that leaves them cold.

In the end, I think associates stay in law firms because of who they were before they arrived—hard-working young people who respected hierarchy and saw life as a series of hoops to jump through. Law firms, with their cult of conformity and ladder structures of advancement, reward those who find a way to make the system work for them.

From your first days at a firm, the reviews you receive, the productivity reports you read, the hubbub you hear about who will and won't make partner feed your insecurities about whether you're good enough, smart enough, or dedicated enough. And for those who aren't sure they care, golden handcuffs keep many from making a move.

The Great Escape

AFTER A YEAR AT LATHAM, I REALIZED law-firm life wasn't for me. Headhunters were calling, and I made a small effort to start afresh somewhere else in the law. "There are much better places out there," one assured me as he picked me up in a gold Lexus. But I knew the problem wasn't really with Latham & Watkins.

One day, the firm sent in one of its minions, someone we joked would shine the partners' shoes if he thought it would help him get ahead. He plopped down in my guest chair and wasted no time.

"Your hours are way down," he said. "And it seems you have—let's say . . ."

Pause.

" . . . a bad attitude. It seems you're not interested in taking on much work."

I thought about buying some time by inventing a family crisis. The problem was, the exchange we were having reminded me of everything I couldn't stand about law firms.

"You're right," I said. "I do have a bad attitude. And you know why? Because I really don't like working here."

He left in a huff.

A few days later, his superior, a strapping partner with a politician's touch, stopped by.

"Is there anything we can do to make things better?" he asked. "Could we find you more reasonable supervisors? More interesting cases?"

At least this guy is a human being, I thought.

"I appreciate it," I said. "But I don't think that would make a difference."

I gave notice. The firm set its departure apparatus into motion—there were forms to fill out, files to close. On March 31, 2000, I joined the select group who can write "former law-firm attorney" on their résumés.

ILL NEVER REGRET GIVING THE BIG LAW firm a try. But will I regret having left? Since that spring day, I've been sleeping peacefully, enjoying my family.

Now I write for a living, but I've also handled projects for the sort of elite firms that once repelled me. I've dealt with some great partners; the work has been interesting and the pace of work humane. I sometimes wonder if I was too hasty to abandon the security, or at least the salary, of a fast-track associate.

During a rainstorm this summer, I found myself downtown and decided to visit Latham's new offices; the firm had outgrown its Pennsylvania Avenue address. As I walked down 11th Street, a stern partner, two glum associates, and a summer clerk walked past me, heads down, hands in pockets.

In the lobby, near the elevators, I saw another partner, one I'd always liked.

"So you're a writer now?" he said. He was struggling with some packages, and I offered to help.

I went up the elevator, dropped off the box, and walked down the halls, glancing at the new nameplates. Nothing else had changed: Secretaries were huddled in groups of three or four; the copier fluid reeked and the fax machines rattled; the younger lawyers sat straight-backed in front of their computers, and the older ones slumped over theirs.

I bumped into a white-haired partner

who pursed his lips as he struggled to remember me.

Then another partner, one of my favorites, saw me and flashed a smile.

"What a surprise," he said, congratulating me on an article I'd written. "Any chance you'll come back?"

Before I had a chance to say "you never know," he slipped into his office, trailed by a young charge carrying a foot-high stack of legal opinions.

CLOSER TO THE ELEVATORS, I RAN INTO friends, people who had never ceased to complain about their job when I was there.

They were giddy about a new associate who'd broken all records for billable hours in a month: 445. I did the math—that's about 15 hours a day, seven days a week.

To my former colleagues, he was a champion:

"He slept in the office every night!"

"He barely ate a meal!"

It was for a trial. Talk turned to whether the client would balk at the fees—which they estimated at about \$75,000 for this wunderkind's monthly service.

I felt like an outsider.

"What was the case about?" I asked. "Did we win?"

No one knew.

I rode the elevator to the lobby and pushed the revolving door. The rainstorm was over, and the sun was shining. I drove off to pick up my son. He was happy to see me, though not as happy as I was to see him.

On our way home, I thought about the response I'd nearly given my favorite partner. Would I ever go back?

Not on your life. □

Ross Guberman (rossguberman@hotmail.com) interviewed more than 100 attorneys for this story. He came to the law after stints in academia and publishing and graduated from the University of Chicago Law School.