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YOUNG ASSOCIATES IN TROUBLE

William D. Henderson*
David Zaring**

UTTERLY MONKEY. By *Nick Laird*. New York: Fourth Estate. 2005. Pp. 1, 344. \$13.95.

IN THE SHADOW OF THE LAW. By *Kermit Roosevelt*. New York: Farrar, Straus & Giroux. 2005. Pp. 1, 370. Cloth, \$24; paper, \$14.

INTRODUCTION

Large law firms have reputations as being tough places to work,¹ and the larger the firm, the tougher the firm.² Yet, notwithstanding the grueling hours and the shrinking prospects of partnership,³ these firms perennially attract a large proportion of the nation's top law school graduates. These young lawyers could go anywhere but choose to work at large firms. Why do they do so if law firms are as inhospitable as their reputations suggest?

To be sure, the most prestigious law firms offer substantial compensation, a shot at a highly lucrative partnership, and résumé value that opens a wide array of doors. Indeed, it might seem perfectly rational to believe that

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1. See, e.g., Patrick J. Schiltz, *Legal Ethics in Decline: The Elite Law Firm, the Elite Law School, and the Moral Formation of the Novice Attorney*, 82 MINN. L. REV. 705, 724–26 (1998) (stating that the life of a new attorney, “particularly if the new attorney is working in a large firm,” entails an “unrelenting pressure to bill hours” that leaves little room for “what gives the lives of most people joy and meaning”); Alex M. Johnson, Jr., *Think Like A Lawyer, Work Like A Machine: The Dissonance Between Law School And Law Practice*, 64 S. CAL. L. REV. 1231, 1243 (1991) (noting associate dissatisfaction due to “billing incredible hours” in practice areas “increasingly narrow in focus”).

2. RONIT DINOVIETZ ET AL., *AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS* 33 (2004) [hereinafter *AFTER THE JD*] (reporting in a large national sample of young lawyers that about 20% were working more than 60 hours per week and were “most likely to be in the largest firms,” particularly in the largest cities such as New York).

3. Nathan Koppel, *The Cahill Way*, AM. LAW., July 2003, at 92, 183 (reporting observation of a former senior attorney at Cahill Gordon & Reindel, where profits per equity partner in 2002 were a staggering \$1.85 million, that “[y]our chance of making partner is a little bit better than winning the lottery, but not much”).

many young attorneys would be willing to place their personal lives on hold in exchange for a brighter post-firm future.

Two recent novels about the lives of young associates in large, prestigious law firms suggest that such a rational calculation misapprehends the costs. Law professor Kermit Roosevelt's *In the Shadow of the Law*⁴ and novelist Nick Laird's *Utterly Monkey* make the case against practicing law in capacious office buildings at the center of large, interesting cities. Both novels star young associates in trouble—associates who dislike their jobs, disagree with their clients, and who rarely get home at a decent hour. As did John Grisham's *The Firm*⁵ and Cameron Stracher's *Double Billing*,⁶ these novels suggest that the best course for the young lawyer is to avoid practicing law at a big law firm at all costs.⁷

In this Review, we consider the stories that these novels tell about law firm life and compare them to the actual data on law firm life that may be gleaned from the operations of law firms. Drawing on financial information and associate satisfaction surveys conducted by *The American Lawyer*, we created a new dataset to explore the relationship between money and various indices of job satisfaction. To gain insight on how lawyers view their lives and working conditions before and after the partnership decision, we also mined the findings of several important longitudinal studies of lawyers and their job satisfaction over time.

Some of this empirical evidence suggests that many young associates have good reasons for enduring punishing work conditions at elite law firms.⁸ But much of it underscores the seriousness of the punishment. Laird and Roosevelt suggest that overachieving law students have ended up at large firms by privileging the external measures of professional success and by resisting the possibility that less celebrated career options will open the door to other important and ultimately more satisfying facets of life.⁹ By

4. Kermit Roosevelt is an Assistant Professor of Law, University of Pennsylvania Law School.

5. JOHN GRISHAM, *THE FIRM* (Bantam Books 1996) (1991).

6. CAMERON STRACHER, *DOUBLE BILLING: A YOUNG LAWYER'S TALE OF GREED, SEX, LIES, AND THE PURSUIT OF A SWIVEL CHAIR* (1998).

7. Nor are novelists the only critiques of firm life. See, e.g., MARY ANN GLENDON, *A NATION UNDER LAWYERS: HOW THE CRISIS IN THE LEGAL PROFESSION IS TRANSFORMING AMERICAN SOCIETY* 14 (1994) ("American lawyers, wealthier and more powerful than their counterparts anywhere else in the world, are in the grip of a great sadness."); ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 1 (1993) (detailing the reasons why the American legal profession "now stands in danger of losing its soul"); SOL M. LINOWITZ WITH MARTIN MAYER, *THE BETRAYED PROFESSION: LAWYERING AT THE END OF THE TWENTIETH CENTURY* (1994) (arguing that lawyers have lost their roles as public-spirited keepers of the general good).

8. Even critics of corporate legal practice recognize that working at a firm can assist with outplacement. See, e.g., RICHARD KAHLENBERG, *BROKEN CONTRACT* 182 (1992) (noting that "people don't go straight to a senate staff; they practice law and go over to the Hill at a higher level").

9. In *Broken Contract*, Kahlenberg explores the process that resulted in 95% of his Harvard Law School classmates joining corporate law firms. *Id.* at 95 ("Each of us faced tough moral choices . . . but we were free actors who had to take responsibility for our decisions. No one was forcing us to go to a law firm").

eliding hard choices, these young associates find themselves in unhappy, unfulfilling environments without really knowing how they got there, disempowered and alienated from their work. And, ironically, their wealth and prestige still make them the object of envy.

Are Laird and Roosevelt correctly indicting firms and those that join them? The data are not inconsistent with their critiques. Our ambition here is to review their fictitious accounts and assemble the empirical facts so that young lawyers, when they decide where they would like to work, can reflect on what trade-offs they may or may not be willing to make.

I. BIG LAWSUITS IN WASHINGTON

In the Shadow of the Law examines what kind of people might be willing to work at a law firm and what kind probably shouldn't. The setting is Morgan Siler, a white-shoe firm in Washington, D.C. The book begins with the arrest of Wayne Harper for murder (Roosevelt, p. 4). Meanwhile in Texas, a chemical plant explodes, with its workers reported to be first "dancing," then "falling down," and finally, "sort of twitching" (Roosevelt, p. 6). Did Harper kill someone? Should the corporate owners of the chemical plant be liable for the deaths and injuries caused by the explosion?

Morgan Siler is the firm charged with handling both cases, and both are resolved satisfyingly—the murder rather thrillingly—in the final three chapters of the novel. In the book's middle, the progress of the cases takes a back seat to what they reveal about sophisticated firm practice.

Roosevelt proceeds by examining the inner lives and outward conduct of a vast number of voices. The lawyer with the fewest regrets is Peter Morgan, who transformed his father's successful Washington-gray-eminence-enterprise into an increasingly bottom-line-oriented undertaking. Harold Fineman is his lieutenant, a litigator who has abandoned any moral qualms in a quest for discipline and effectiveness—he tells himself that "[l]ife is a competition" (Roosevelt, p. 47) and that he is "[l]ike a shark," (Roosevelt, p. 324). Morgan Siler's other partners concoct dubious, liability-avoiding security deals; one feels so guilty about his work that he suffers an early heart attack and devotes himself (to the displeasure of the firm's leadership) to pro bono work.

The characters drawn with the most sympathy are two young associates, Mark Clayton and Katja Phillips. Mark struggles with his inability to attain any sense of mastery (or competence, for that matter) over a steady stream of banal litigation assignments and already doubts his career choice.¹⁰ In contrast, Katja is a highly adaptive lawyer who methodically completes her work and safeguards her personal time. She wants to be more than a successful lawyer, but she is increasingly unsure that the firm will permit her to do right and avoid wrong.

10. Mark familiarly concludes that, "Law is what happens when you have no other plans." Roosevelt, p. 240.

Two other associates, Ryan Grady and Walker Eliot, adapt to the firm in different ways. Ryan ducks responsibility, bills fraudulently, and schemes to make himself look good at the expense of others. For Walker, who recently finished a clerkship with the Supreme Court, Morgan Siler is a lucrative way station that provides few challenges worthy of his talents. His credentials get him special treatment from the partners, and he returns the favor by occasionally dashing off, in an hour or two, brilliant legal arguments that carry the day. Yet, when he is needed most, he disappears, turning down assignments so that he can prepare to leave the firm to teach.¹¹

Many of these lawyers work to get Harper off death row—it turns out he didn't do it. They also try to get the chemical plant owners off the liability hook—it turns out that they were bad actors who did do it. In the end, the most noble associates turn on the plant owners and disclose the liability-avoiding financial chicanery to the victims.

The book struck us as a plausible account of litigation in a big firm. There are meetings, discovery conducted in warehouses, oral arguments, depositions, and disputes with opposing counsel. Each of these regular big firm occurrences is novelized with scrupulous accuracy, and though they slow the narrative, they do render a faithful—if bleak—picture of associate life.¹²

At the end of the novel, though, the only main characters left at Morgan Siler are the monstrous Peter Morgan—and he loses his charming wife in the process—and the conniving Ryan Grady. Roosevelt appears to be interested in the ability of lawyers to act morally, and his novel suggests that big firm work may be incompatible with moral choices. Moral acts, such as turning over evidence that will establish the liability of the corporate owners of the chemical plant, require departure from the firm.

It is a dark view of big law, even though Roosevelt leavens it with a favorable outcome in the pro bono defense of Wayne Harper, an outcome that probably would not have been possible without the expenditure of the firm's resources and talent. Even then, those resources are grudgingly allocated by Peter Morgan, and that victory depends on the willingness of one lawyer to give up his ability to practice law.

One could even call *In the Shadow of the Law* 346 pages of tragedy, followed by three chapters of a happy ending. After all, those who stay at the firm cannot change—a “new life eluded [them] and was now beyond [their] grasp” (Roosevelt, p. 250).

Roosevelt himself might characterize the novel as more epic than tragic. He has said that he used a “mythic structure” for his thriller, with “a reluctant hero who is summoned away from the ordinary world and called on to do great things, and . . . archetypal figures who help or hinder him—an old

11. We are admittedly troubled that someone like Walker would do very well on the academic job market. Apparently, large law firms are not the only morally suspect institution in Roosevelt's crosshairs.

12. As one associate laments, “[W]hen work occupies eighty percent of your waking hours, the rest of your life is bound to wither.” Roosevelt, p. 240.

wise man, a shapeshifting trickster, a dark shadow.”¹³ Because he appears to believe, in almost Jungian fashion, that all myth stories are pretty similar, “you can more or less map the characters from *In the Shadow of the Law* onto the characters of *Star Wars*.”¹⁴

Star Wars is a fun model, and it is worth noting that *In the Shadow of the Law* has its share of clever allusions and dry wit. For example, in *Henry VI Part 2*, a rebel suggested that “the first thing we do, let’s kill all the lawyers.”¹⁵ Early in *In the Shadow of the Law*, after the explosion in the chemical plant, one of the company executives says, “That’s the first thing you do. You call all the lawyers” (Roosevelt, p. 7). Entertaining, sure, but our considered reaction to the book was that the world it portrayed was rather more Kafkaesque than English Renaissance. Roosevelt’s storyline suggests that elite law firms exact a heavy toll of compromise and lost opportunities on the talented, who find that they are surprised about what they gave up. Their regret is both unbearable¹⁶ and unavoidable.¹⁷

II. FEAR AND LOATHING IN LONDON AND ULSTER

Utterly Monkey, like *In the Shadow of the Law*, posits that a lawyer who works for a large firm is “wasting his life” (Laird, p. 292), and must be “an unhappy person” (Laird, p. 291). The protagonist, Danny Williams, an up-from-the-vaguely-mean-but-very-Protestant streets of Northern Ireland, tries to survive both a Magic Circle¹⁸ London law firm and the nogoodnik loyalist circles into which some of his childhood acquaintances have drifted. Laird’s story is one in which a hero, in an existential crisis, saves his future by dramatically leaving his firm. Laird, like Roosevelt, depicts firms as both morally bankrupt and harsh taskmasters.

It is the loyalists who most drive the plot, as they first lose, and then find, 50,000 ill-gotten pounds, which are then exchanged for explosives powerful enough to do serious damage to the center of a British city. The question then becomes, which sort of city? One in Ulster, with Catholics in it, or one in England, to underscore the anger felt by the Protestant betrayal

13. Posting of Kermit Roosevelt to *Is That Legal?*, http://www.isthatlegal.org/archives/2006/07/in_the_shadow_o.html (July 6, 2006, 14:51 EST).

14. Specifically, Mark is Luke Skywalker, though he “does not end up having the mysterious powers of a Jedi Knight.” Peter Morgan, the managing partner of the firm, “is the Emperor, who turns the firm into a soulless profit-fixated place and tempts the other characters towards the dark side.” Roosevelt notes several other *Star Wars* alter egos. *Id.*

15. WILLIAM SHAKESPEARE, *THE SECOND PART OF KING HENRY THE SIXTH* act 4, sc. 2.

16. As one associate asks himself, “What will I regret in twenty years? . . . All of this, probably. Right now I do.” Roosevelt, p. 55.

17. Another associate who tries to compartmentalize work life and non-work life concludes that it may be impossible to avoid the one bleeding into the other: “we grow into our masks. . . . we become who we impersonate.” Roosevelt, p. 68.

18. The Magic Circle comprises five British law firms that rival the elite Wall Street firms for international corporate work. See Vivian Chen, *Big Stage, Bit Players*, *AM. LAW.*, June 2005, at 101 (“It’s no secret that Magic Circle firms fancied themselves the equal of most white-shoe New York firms.”).

of the peace process? The resolution of the bomb plot turns on whether Danny and his most downtrodden Ulster friend will find a way to save the day by stopping their vilest acquaintances from committing a great evil.

This plot is reasonably engaging, but it is life at Danny's firm—and the way the firm got its hooks into Danny—that we found most interesting. Danny's associateship offers "[g]ood money, bad hours," and wasn't begun with a particularly compelling exercise of free will (Laird, p. 9). Success at secondary school begat success at the university, which begat law school and a position at a very large law firm. The firm "felt to Danny like just another institution in a long line of places where you got told what to do, and did it" (Laird, p. 28).

What Danny gets told to do is something that Laird characterizes as a combination of tedious and unlovely. The matter that takes Danny back to Northern Ireland requires him and a young romantic interest to do due diligence on a water utility takeover. It meant that

they'd sit in a dark hallway somewhere, being brought boxes of documents by surly admin staff, admin staff who would make it clear they knew Danny and Ellen worked for the company trying to buy them and sack them. They'd spend hours looking through contracts for onerous undertakings . . . that could influence [their client's] decision to buy. . . . Danny knew he would draft a detailed and lengthy due diligence report that would weigh, in unusually elegant language, any abnormal and arduous clauses in all of Ulster Water's contracts . . . and that it would not be read by anyone. (Laird, p. 64)

This sort of boring but demanding work is nothing new to Danny. He has covered a dispute between "a crisp bag manufacturer and the company that manufactured the machines that manufactured crisp bags," dry enough to turn him on to anti-depressants, and a case "involving suing the Bulgarian Government for renegeing on promised subsidies for a hydro-electric power station," which "forced him to miss his grandmother's funeral."¹⁹ There are so many unhappy aspects to Danny's big firm associateship that it is difficult to figure out why he has stayed at the firm so long. For his troubles, he has obtained a paid-up flat within bicycling distance of work—in our estimation, pretty small beer.

In this miasma of difficulties, two problems seem to be central to Laird's critique of the law firm: the agony of hierarchy and the fear of the black hat. As Danny spends more time at Ulster Water, which is based in Northern Ireland, he gets away from the firm and closer to his roots, whose interests he decides he is not serving. When he returns to London to complete the paperwork, Danny finds himself unable to finish, dreading the moment when his client "would bid, UW would be taken over, and the bloodbath would begin" (Laird, p. 279).

19. Laird, p. 38. By contrast, in somewhat Tolstoyan adoration of the peasantry, Laird describes the people who clean the law firm's offices as "bustl[ing] about" more contentedly. Laird, p. 277. The cleaners pity the lawyers they work for, who, in the case of the protagonist, "suffer the curious guilt of accepting pity from someone paid to empty his bin." Laird, p. 277.

Danny's guilt is compounded by his growing anger at his supervising partners. Laird portrays them as slave drivers who approach all things with a "mordant edge" caused by "having too much money and too little time" (Laird, p. 280). The worst partner turns out to have had a brief affair with his love interest, which drives Danny mad with "the injustice of it, of her and that smarmy vicious twat, that *ancient twat*" (Laird, p. 251). The combination of unbearable supervision and morally bankrupt work drives Danny to finish a bottle of Irish whiskey, make off with his client's takeover bid for Ulster Water, and throw it into the Thames, where "the wind caught it, and broke it up into a stream of frantic doves" (Laird, p. 293).

This is pretty writing, but pure wish fulfillment. To Laird's credit, Danny's act of resistance is a futile one—the evil, promiscuous boss gets a replacement bid submitted in time. But, less realistically, Danny's bad client loses the auction for Ulster Water to a white knight from Japan that apparently wants to grow water production in Ulster. A happy ending for the Northern Irish workers, and also for Danny, who makes up with Ellen, gets fired from the firm, and ends the book whisking her away for dinner.

III. THE FICTIONAL CHOICE FOR YOUNG LAWYERS

So how do these fictional reports jibe with the realities of large law firm practice? Like Laird and Roosevelt, we believed that the hours would be long, and the day-to-day work lives of many young associates would be dull. But depending on your vantage point, the grueling work demands of elite large law firms may be adequately offset, in both the short and long run, by high compensation and the permanent résumé value.²⁰

And while leaving a law firm is something that the associates in both novels do with an exclamation point, we suspect that non-fictitious associates join prestigious and profitable firms with a different exit strategy in mind.²¹ Although many associates report that the best part of their firm jobs is their departure, we think that the way they leave—to attractive employment opportunities generated by the contacts made and experience gained at the firms at which they toil—may be part of the point of joining the firm in the first place.

20. The 2006 Vault Guide outlines the benefits of working for a prestigious law firm:

Why does law firm prestige matter? . . . Working for an esteemed law firm means being exposed to a greater variety and volume of work, as well as more prominent and high-profile cases and deals Most importantly, working for a preeminent firm will give you instant credibility in the job market and will mark you as someone to be taken seriously throughout your career.

BRIAN DALTON ET AL., VAULT GUIDE TO THE TOP 100 LAW FIRMS, 2006 EDITION 1 (2005).

21. See, e.g., Elizabeth Goldberg, *Exit Strategy*, AM. LAW., Aug. 2006, at 112 ("As one Allen & Overy associate explains, 'I view it as a contract. I need the salary, the experience, the name on my résumé. In exchange, [the firm] needs cheap labor, manpower, and our complete availability. As long as I am not a free rider and the firm meets its obligations, it is a good deal. When I am ready to go, I go.'").

One other feature of both novels that we find unconvincing, though perhaps excusable as a consequence of the need for plot, is their focus on the moral choices facing associates. Danny in *Utterly Monkey* and Katja and Mark in *In the Shadow of the Law* transform themselves by betraying their clients, at the cost of their jobs.²² We doubt that the chief complaint of associates at elite law firms is that they are working for the bad guys or that the road to salvation depends on abandoning their clients and turning to lawyering for the good guys. Big firms do not simply work for injustice. Contract disputes between companies or regulatory compliance efforts do not particularly feature bad guys at all. And putatively good-guy lawyers have to deal with lying plaintiffs, unsavory cooperating witnesses, sexually harassing heads of public interest organizations, and the like. We suspect that young associates and law students, with all the resources of Internet sites,²³ books,²⁴ and other scuttlebutt at their disposal, know about the unpleasant aspects of both career paths..

Moreover, the novels' associates frequently violate ethical obligations that could bar them from legal practice forever. Needlessly turning over facts undermining your client, let alone throwing its takeover bid into a river, are the stuff of disciplinary proceedings. Laird and Roosevelt both portray worlds in which zealous advocacy²⁵ is inconsistent with larger questions of right and wrong and in which bar disciplinary committees are nowhere to be seen. Apparently they find zealous advocacy morally uninteresting, but we suspect that many lawyers charged with the representation of ignoble clients find it to be a consolation.

We think large law firm associates are more likely to be concerned with the time-management complaints and work-family trade-offs than the nature of the work they do. Our data, consistent with earlier studies,²⁶ suggest that the most profitable and prestigious firms require the longest work weeks.²⁷ Moreover, there is empirical evidence showing that those who remain at firms—senior associates and partners, rather than the junior lawyers who are

22. That client betrayal is more likely to lead to job loss in the corporate context has been noted by David Wilkins. See David B. Wilkins, *Who Should Regulate Lawyers?*, 105 HARV. L. REV. 799, 872 (1992) (“[C]orporate clients, with their superior ability to monitor and control lawyer conduct, have the power . . . to press their lawyers to act in ways that jeopardize systemic norms . . .”).

23. See, e.g., Greedy Associates, <http://www.greedyassociates.com> (last visited Feb. 1, 2007); AutoAdmit.com, http://www.xoxoth.com/?forum_id=2 (last visited Feb. 1, 2007).

24. See, e.g., sources cited *supra* note 7.

25. “Zealous advocacy” is, of course, the baseline for professional responsibility. See, e.g., MODEL RULES OF PROF’L CONDUCT pmbl. ¶ 9 (2006) (noting that ethical duties “include the lawyer’s obligation zealously to protect and pursue a client’s legitimate interests, within the bounds of the law”).

26. ABA, YOUNG LAWYERS DIVISION SURVEY: CAREER SATISFACTION 15 tbl.13 (2002) (reporting that 46.8% of respondents in law firms of more than 200 lawyers worked 60 or more hours per week and showing a sharp drop off among lawyers working in smaller firms); AFTER THE JD, *supra* note 2, at 36 tbl.4.1 (reporting similar patterns).

27. See *infra* Section IV.A.

the protagonists of both novels—are no more likely to strike a better balance as the years grind on.²⁸

Both novels suggest that this disappointment may be tied to the institutionalization of the firm. Laird characterizes Monks & Turner as a vast lumbering enterprise that engenders a dispiriting commodification of the people who generate its profits. Following a chronology that mirrors Anthony Kronman's *The Lost Lawyer*,²⁹ Roosevelt casts Morgan Siler as a firm at the endpoint of a multi-decade transition from artisanal vocation, where lawyers offered business and legal advice with an eye toward the collective good, to industrial operation, where lawyers perform alienating, assembly-line work.

Not that Laird and Roosevelt portray this as particularly surprising. None of their associates arrive at their firms bright-eyed, eager, and ready to do justice. Instead, the associates simply find themselves in high-end corporate practice, and the disillusionment they experience is more assumed than explained. Associates in Laird's and Roosevelt's worlds arrive disillusioned.

IV. EMPIRICAL DATA ON LIFE WITHIN LARGE LAW FIRMS

Both Laird and Roosevelt portray large law firm life as a seemingly endless marathon of work that steals the health and vitality of young lawyers. It is likely that many readers—especially law firm partners charged with recruitment—will conclude that these fictionalized accounts are overwrought caricatures. These readers make a compelling case: for those who believe that the supply and demand curves reflect the preferences of market participants, there appears to be indisputable data that the young lawyers with the most options generally prefer large law firms.

If we assume that aspiring lawyers are rational actors, what is the attraction of these firms? It could be that Laird and Roosevelt are just wrong in portraying law firms as dehumanizing places to work. Luckily, data are available to evaluate their portrayals. We will not—indeed we cannot—disprove the rational story about the decision to work in a large, elite law firm. But the ineluctable nature of the trade-offs is sobering. In Section IV.A, we document that it is tough to be a large law firm associate and that the best firms tend to have the worst working conditions. In Section IV.B, we briefly compare our associate data to accounts drawn from more experienced lawyers. Those that remain at large firms also report job dissatisfaction, although, interestingly, they may make their peace with it by adopting more corporate and business-oriented worldviews than their peers outside the legal profession.

28. See *infra* Section IV.B.

29. See KRONMAN, *supra* note 7.

A. Associate Working Conditions

The most comprehensive summary of working conditions in large U.S. law firms is the annual Midlevel Associate Survey compiled by *The American Lawyer* magazine.³⁰ The scope of the survey covers a wide array of topics including (a) associate development and satisfaction,³¹ (b) quality and allocation of work,³² (c) hours and compensation,³³ (d) firm culture,³⁴ and (e) partners and firm management.³⁵ In the 2005 survey, the magazine received responses from 5,854 third-, fourth-, and fifth-year associates at 185 large law firms.³⁶ The 2004 survey was also comparable in size and scope.³⁷ To better understand the market dynamics of large law firm life, we combined the 2004 and 2005 Midlevel associate data with additional data on law firm profitability (from the 2004 and 2005 Am Law 200)³⁸ and prestige (from the annual Vault 100 survey).³⁹ Table 1 provides a breakdown of some of the key variables in our dataset.

30. These results, which are based on responses from third, fourth, and fifth year associates, are typically published in the October edition. See, e.g., Rosemarie Clancy, *Midlevel Associates Survey: How It's Done*, AM. LAW., Oct. 2004, <http://www.law.com/jsp/article.jsp?id=1096473918197> (last visited Feb. 1, 2007) [hereinafter *2004 Midlevel Survey*]; Chloë Gladstone, *Nearly 6,000 midlevels responded to this year's survey*, AM. LAW., Oct. 2005, at 121 [hereinafter *2005 Midlevel Survey*]. Spreadsheet versions of these surveys are available from ALM Research Online. www.almresearchonline.com (last visited Feb. 1, 2007).

31. Rating the firm on a 1 to 5 scale (5 being the highest score), this category includes (1) how interesting the work is; (2) how satisfying the work is; (3) benefits and compensation; (4) associate relations; (5) training and guidance; (6) openness on firm finances; (7) communication toward partnership; (8) realistic billable hours; (9) attitude toward pro bono; (10) likelihood of staying two years; and (11) overall rating as a place to work. See *2005 Midlevel Survey*, *supra* note 30.

32. Using the same 1 to 5 scale as discussed in note 31, this category includes (1) methods for assigning work; (2) distribution of work; (3) quality of work assigned; (4) quantity of work assigned; (5) level of responsibility; (6) amount of client contact; (7) fairness of evaluations. See *id.*

33. This category includes (1) average hours worked per week; (2) average hours billed per week; (3) average salary; and (4) average bonus. Amy Kolz, *Happy Hour*, AM. LAW., Oct. 2005, at 110.

34. This category includes (1) morale this year over last; (2) collegiality; (3) competitiveness, (4) dedication to diversity; (5) family friendliness; and (6) self-esteem (firm's prestige). *Id.*

35. Using a 1 to 5 scale, this category includes (1) opportunities to work with partners, and (2) opportunities to socialize with partners. *Id.*

36. See *2005 Midlevel Survey*, *supra* note 30, at 121. The overall response rate among associates was 41%. To be included in the published Midlevel ratings (which we relied on for this study for both 2004 and 2005), *The American Lawyer* must have received at least 10 completed questionnaires from firm associates. *Id.*

37. See *2004 Midlevel Survey*, *supra* note 30, at 133 (reporting 4,334 responses from 181 participating firms, a total response rate of 44%; 148 firms had the requisite 10 responses to be included in the published rankings).

38. This information was compiled from the July (Am Law 100) and August (Am Law 101–200) issues of *The American Lawyer*. *The Am Law 100*, AM. LAW., July 2005, at 87, 93; *The Am Law 200*, AM. LAW., Aug. 2005, at 77, 91.

39. In this dataset, we use data from the 2005 Vault Guide, which is based on 2004 survey results. See BROOK MOSHAN GESSER ET AL., 2005 VAULT GUIDE TO THE TOP 100 LAW FIRMS 17–21 (2004). It is worth noting that PPP and Vault prestige are strongly but not perfectly correlated with each other ($r = .689$, $p < .001$, $n = 82$).

TABLE 1. SUMMARY OF 2005 MIDDLELEVEL ASSOCIATE SAMPLE

Variable	Mean	25%	Median	75%	Valid N
Total Attorneys	559	298	454	665	N=145
Profits per Partner	\$896,135	\$555,000	\$775,000	\$1,085,000	N=141
Avg. Associate Salary	\$143,228	\$125,406	\$149,758	\$163,289	N=159
Avg. Associate Bonus	\$17,160	\$7,861	\$14,233	\$22,640	N=159
Avg. Hours Billed per Week	44.6	42.5	44.3	46.4	N=159
Avg. Hours Worked per Week	56.0	54.2	55.9	57.0	N=159

As we parsed the data, we were startled by the clear and unambiguous direction of the relationships. Virtually every measure reflecting desirable working conditions or enlightened management was either (a) strongly negatively correlated with profitability and prestige, or (b) statistically irrelevant to the bottom line. For example, even after controlling for differential firm response rates,⁴⁰ associate evaluations of the family friendliness of the firm and its openness regarding its finances were negatively correlated with firm prestige and even more strongly negatively correlated with firm profitability. Associate evaluations of work satisfaction were irrelevant to the profitability or prestige of their firms. Similarly, several other variables measuring working conditions, training and guidance, and social values (such as commitment to pro bono and workforce diversity) had no measurable effect on firm profits.

Table 2 summarizes Pearson correlation coefficients between profitability/prestige and several other key variables from the Midlevel survey.

TABLE 2. PEARSON CORRELATIONS ON PROFITS/PRESTIGE AND FIRM CHARACTERISTICS*

Category	Variable	2005 Am Law PPP (n=120)		2005 Vault Prestige (n=75)	
		R	p value	R	p value
Compensation	Combined Salary and Bonus	0.631	0.000	0.556	0.000
	Average Salary	0.585	0.000	0.493	0.000
	Average Bonus	0.542	0.000	0.501	0.000
Workload	Average Hours Billed per Week	0.668	0.000	0.626	0.000
	Average Hours Worked per Week	0.624	0.000	0.567	0.000
	Quantity of Work Assigned	-0.388	0.000	-0.225	0.051
	Realistic Billable Hours	-0.310	0.000	0.033	0.774

40. Higher firm response rates were mildly correlated with more desirable work conditions for associates. Therefore, all our analyses controlled for firm response rates. We also added the natural log of the number of firm respondents as a control variable on the theory that the amount of new information gradually trails off as the absolute size of the sample increases.

		2005 Am Law PPP (n=120)		2005 Vault Prestige (n=75)	
Working Conditions	Communication Re: Partnership	-0.495	0.000	-0.334	0.003
	Openness Re: Finances	-0.452	0.000	-0.299	0.009
	Opportunities to Socialize w/ Partners	-0.313	0.001	-0.137	0.239
	Opportunities to Work w/ Partners	-0.181	0.050	-0.062	0.597
	Family Friendliness	-0.299	0.001	-0.050	0.668
	Partner-Associate Relations	-0.246	0.007	-0.041	0.728
	Training and Guidance	-0.187	0.043	0.105	0.369
	Interest Level of Work	-0.232	0.011	0.100	0.390
	Work Satisfaction	-0.320	0.000	0.014	0.905
	Level of Responsibility	0.096	0.301	0.192	0.096
Social Values	Attitude toward Pro Bono	-0.091	0.328	0.120	0.301
	Dedication to Diversity	-0.115	0.215	0.077	0.510

*Controlling for firm response rate, log of # of respondents

Bold = significant at $p < .05$ level

One of the most important insights from the data is that large law firms cannot be reduced to a single, oppressive monolith. There is significant variation of working conditions among large firms, and young lawyers who prefer better working conditions can (and probably should) gravitate toward the less prestigious and less profitable firms.

Yet, if there is such a thing as a work-life tradeoff, we can assess its relative appeal by examining where graduates of the most highly ranked law schools—the alter egos of Mark Clayton (Penn), Katja Phillips (Michigan), and Walker Eliot (Yale)—choose to begin their careers. Once again, the results are unambiguous. Using a summary of the 2005 associate hiring patterns by law school for the 250 largest law firms in the country (NLJ 250), we broke down the data by law school rank (as ranked by U.S. News & World Report) and law firm prestige (as ranked by Vault). Among the 5,486 new large-firm associates, 30.2% (1,656) attended a Top 10 law school. Yet, at the Top 10 most prestigious firms, the proportion of elite law school graduates increases to 58.5%. Thus, as shown in Table 3, associates from Top 10 law schools tend to favor firms with longer hours and a less family friendly work environment.⁴¹

41. Relying on data from the After the J.D. Project, Ronit Dinowitz and Bryant Garth argue that the relative dissatisfaction among graduates of elite law schools (those in the Top 10 in the U.S. News & World Report rankings) flows from the relative social and familial privilege of students who attend these schools. See Ronit Dinowitz & Bryant G. Garth, *Lawyer Satisfaction in the Process of Structuring Legal Careers*, 41 *LAW & SOC'Y REV.* 4 (forthcoming 2007). While there may be something to that claim, the data presented here suggest that (a) elite graduates tend to choose firms with more grueling work conditions, and (b) they are compensated for this tradeoff.

TABLE 3. MEAN ATTRIBUTES OF LAW FIRMS,
TOP 10 & NON-TOP 10 LARGE FIRMS

Variable	Top 10 Firm (N=10)	Other Large Firms (N=149)
% 2005 associates from Top 10 school**	58.5%	27.7%
Profits per Partner**	\$1,977,000	\$813,626
Average Hours Worked per Week**	61.57	55.58
Combined Salary and Bonus**	\$204,028	\$157,458
Firm Prestige (Am Law)**	4.85	3.99
Family Friendliness**	3.30	3.70
Interest Level of Work	4.07	4.00
Work Satisfaction	3.80	3.85
Likelihood of Staying Two Years**	3.26	3.70
Openness Re: Finances**	2.74	3.46
Communication Re: Partnership**	2.55	3.02
Overall Rating as a Place to Work	4.02	4.06
Training and Guidance	3.46	3.57

**Means for two groups are statistically different at $p < .01$

From the perspective of associates, money may be one of the primary tradeoffs for the harsh work conditions. As shown in Tables 2 and 3, salaries tend to be higher in elite firms. If an associate manages to make equity partner at an elite law firm, his or her annual draw could easily exceed \$2 million.⁴² Employment at prestigious law firms also confers increased out-placement options⁴³ in the event that an associate wants to opt out of the “promotion-to-partner tournament.”⁴⁴ Vanity may also play a role. Young associates arguably derive hedonic benefits from separating themselves from their less accomplished peers. Certainly, many rational young associates seem willing to endure personal hardships for money, self-image, and the preservation of future career options.

Yet, in *In the Shadow of the Law*, one of Roosevelt’s protagonists, Katja Phillips, raises the specter of buyer’s remorse. After a long day of document review in a godforsaken part of east Texas, Katja shares a drink with another associate, and asks:

[I]s this really what it’s all about? Working harder to have less freedom? You give up half your life to get good grades so you can get that top firm job, then as a reward you get to give up the other half. And then if you’re lucky someday you bail out and go work as in-house counsel to some corporation so you can get a little bit of it back. Who told us that this was what we wanted? (Roosevelt, p. 229)

42. In our sample, eight firms had PPP in excess of \$2 million per year. In comparison, the median in our dataset was a paltry \$775,000.

43. See *supra* note 20.

44. See MARC GALANTER & THOMAS PALAY, *TOURNAMENT OF LAWYERS: THE TRANSFORMATION OF THE BIG LAW FIRM 100-02* (1991) (theorizing how the prestige and profits conferred by partnership entices young associates to engage in a grueling and uncertain “promotion-to-partner tournament”).

Although money and prestige are clearly part of the centrifugal force that holds together the large law firm sector, a purely materialistic explanation has a hollow ring. Many of our former classmates and students now work in these practice settings, and few of them struck us as solely concerned with money and prestige. We speculated that dynamics within large law firms reflect other more human values, such as work satisfaction, professional development, and work-family balance.

At the law firm level, we theorized that most large law firms will hew relatively closely to an economic model that maximizes law firm profits. The reason is simple: if the firm management places too much emphasis on social or “lifestyle” goals, powerful partners are free to exit the firm in pursuit of an environment that will permit them to maximize the value of their book of business.⁴⁵ Indeed, in recent years, the large scale defections of key partners have caused the collapse of many formerly elite firms.⁴⁶ Therefore, acknowledging that the labor of young associates is an essential ingredient of high profits per partner, the most relevant question became what firm attributes contribute to, or constrain, law firm profits.

To explore this issue, we specified a linear regression model (summarized in Table 4) in which the dependent variable is the natural log of profits-per-partner from the 2004 Am Law 200.⁴⁷ The independent variables fall into four categories that would likely influence profits: (1) geographic market, because some markets contain more high-end non-commodity work;⁴⁸ (2) attorney-to-partner leverage, (3) firm prestige, because some clients are willing to pay premium rates for high-stakes matters; and (4) the financial incentives, working conditions, and attitudes of midlevel associates. In general, we theorized that the labor market for law firm associates would reveal a rationality that went beyond pecuniary gain—that, at some point, money could no longer compensate for personal sacrifice.

45. See, e.g., ROBERT L. NELSON, *PARTNERS WITH POWER: THE SOCIAL TRANSFORMATION OF THE LARGE LAW FIRM* 5 (1988) (concluding, after detailed sociological fieldwork in four large Chicago firms, that “power in the firm remains inextricably tied to ‘control of clients’”).

46. See, e.g., William G. Johnston, *ANATOMY OF LAW FIRM FAILURES 14–16 & Exh.A* (2004), available at http://www.hildebrandt.com/PublicDocs/Doc_ID_1739_492004850218.pdf (reporting that partner defections were catalysts in numerous large law firm dissolutions between 1998 and 2004).

47. Using profits-per-partner as the dependent variable resulted in larger prediction errors for high PPP firms (i.e., heteroscedasticity). The log transformation corrected this problem. Because of the availability of important control variables, we model profitability using data from 2004.

48. An earlier study by one of the authors provides a detailed analysis of the relationship between geographic location of lawyer and firm profitability. William D. Henderson, *An Empirical Study of Single-Tier versus Two-Tier Partnership in the Am Law 200*, 84 N.C. L. REV. 1691, 1719–22 (2006) (noting strong correlation between firm profits and the proportion of firm lawyers in New York City and several non-U.S. global cities and theorizing that these markets contain large concentrations of high-end non-commodity legal work).

TABLE 4. OLS REGRESSION, DEPENDENT VARIABLE IS NATURAL LOG OF PPP FROM 2004 AM LAW 200*

Variable	B	Std. Error	Beta	p value
(Constant)	10.647	0.671		0.000
% Lawyers in NYC/Global Cities	0.281	0.110	0.181	0.012
Attorney/Partner Leverage	0.075	0.027	0.162	0.006
Firm Prestige (Am Law Midlevel)	0.084	0.078	0.077	0.284
Avg. Hours Billed per Week	0.041	0.011	0.249	0.000
Average Bonus (\$1,000)	0.015	0.004	0.205	0.001
Level of Responsibility Score	0.266	0.106	0.140	0.014
Interest Level of Work Score	-0.366	0.151	-0.171	0.017
Collegiality Score	0.258	0.106	0.154	0.017
Likelihood of Staying Two Years	-0.224	0.084	-0.203	0.009
Family Friendliness Score	-0.015	0.076	-0.013	0.841
Amount of Feedback Score	0.143	0.119	0.093	0.232
Training and Guidance Score	-0.135	0.097	-0.097	0.169
N	119			
Adj. R ²	.798			

*Controlling for firm response rate, log of # of respondents

The data, however, did not support our relatively sanguine view. As shown in Table 4, geographic market, leverage, and billable hours are all associated with higher firm profits. Larger bonuses, delegation of responsibility to associates, and firm collegiality also appear to help the bottom line. Even after controlling for all the variables in the model, more interesting work is associated with lower firm profits (roughly \$400,000 to \$500,000 in PPP per point on the one-to-five Midlevel scale). Thus, it appears that steering associates into a highly specialized and repetitive (read: boring) niche practice may be a lucrative management strategy. Similarly, law firms seem to prosper when associates report a high likelihood of leaving the firm in the near future. Further, the results of the model suggest that there is no relationship between firm profits and providing associates with feedback, training and guidance, or a family friendly work environment.⁴⁹ In short, firms have little financial incentive to improve the work lives of associates; bonuses and better outplacement options may be enough to produce a stable equilibrium.

Another way to examine the market dynamics of large law firms is to focus on factors that affect a young associate’s decision to leave the firm.⁵⁰ In the linear regression model summarized in Table 5, the dependent variable is the likelihood an associate will stay at the firm for two years. Here, we observe various competing values, such as “quality” of firm work, which

49. In fact, the relatively low p-value for associate training and guidance suggest that it may negatively affect profits.

50. Here, we make the assumption that associates who report a lower likelihood of remaining at the firm for two years are, in fact, more likely to exit the firm. The “After the JD Project” asks respondents a similar question and contains a similar ambiguity. Future AJD research will shed light on this issue.

could positively affect an associate's future outplacement options, and "interest level" of work, which could strengthen an associate's commitment to the firm. After controlling for the other firm attributes, both factors are statistically significant in our model.

Contrary to the views of some commentators,⁵¹ a substantial number of midlevel associates also care about partnership. Associates are more likely to stay at firms with higher ratios of nonequity to equity partners, presumably because of more liberal promotion standards and/or the appeal of service partnership track.⁵² Associates also report a higher likelihood of staying at the firm when they receive more information on their prospects for promotion.

TABLE 5. OLS REGRESSION MODEL OF LIKELIHOOD OF STAYING WITH FIRM FOR TWO YEARS*

Variable	B	Std. Error	Beta	p value
(Constant)	1.011	0.733		0.171
Interest Level of Work Score	0.446	0.163	0.234	0.007
Quality of Work Score	0.296	0.155	0.169	0.059
Avg. Hours Worked per Week	-0.029	0.011	-0.185	0.009
Family Friendliness Score	0.243	0.067	0.235	0.000
Ratio of Nonequity to Equity Partners	0.166	0.067	0.131	0.015
Communication Re: Partnership	0.211	0.056	0.271	0.000
Combined Salary & Bonus	-0.002	0.001	-0.085	0.188
	N	116		
	Adj. R ²	.712		

*Controlling for firm response rate, log of # of respondents

Finally, the results in Table 5 support the intuition that young lawyers care about their lives outside the firm. After controlling for a multitude of factors, longer work weeks and lower measures of family friendliness remain important factors that increase the likelihood that an associate will leave the firm. Further, additional compensation—at least at the amounts offered by large U.S. law firms—had no statistically significant relationship to a lawyer's desire to remain with the firm. Rather, the economic carrot appears to be partnership and higher earnings in the future. In summary, young associates appear to balance multiple economic and non-economic factors as they weigh their loyalties to the firm.

51. See, e.g., Kevin A. Kordana, *Law Firms and Associate Careers: Tournament Theory Versus the Production-Imperative Model*, 104 *YALE L.J.* 1907, 1923–33 (1995) (arguing that associates are attracted to large firms for a combination of high pay and the development of general human capital skills rather than the opportunity to become a partner).

52. See Henderson, *supra* note 48, at 1712, 1724–25 (discussing how law firms use nonequity partnership to retain quality associates and that relative prestige and security of "service partners," who focus on legal work rather than rainmaking, may be very appealing to many lawyers).

B. Growing into Partnership

Do partners experience firm life differently than associates? The descriptions of large law firms in *Utterly Monkey* and *In the Shadow of the Law* are presented through the eyes of young associates in the prime of their youth. Danny Williams, Mark Clayton, and Katja Phillips all resolve their inner conflicts by leaving their firms. Although they relinquish the income, status, and security of a prestigious law firm, we are invited to celebrate their departures as profoundly liberating experiences that will unlock the doors to self-determination and personal happiness.

These conclusions are bolstered by the lives of several partners in both novels, who embody a dire road not taken. Danny Williams is pulled into the Ulster Water matter because a more senior lawyer discovered that his wife had moved back to Australia, having “left a factual note on his pillow telling him that they had spent a total of two hours together in the last five weeks, aside from sleeping in the same bed, and that she was going home to Melbourne” (Laird, p. 37). Similarly, *In the Shadow of the Law* deftly describes the marriages that firm partners neglect or abandon in order to build a premier law firm.

Although large law firms are clearly among the most remunerative practice settings, empirical studies have documented a negative relationship between lawyer income and job satisfaction⁵³ and work-family balance.⁵⁴ Similar to the protagonists in *Utterly Monkey* and *In the Shadow of the Law*, lawyers in large law firms must ask themselves whether the money and prestige are sufficient compensation for the longer hours and the time away from their family. Longitudinal data on the attitudes of large law firm lawyers five and fifteen years into their careers—i.e., the time period that reflects views before and after the partnership decision—tell a sobering story. Among Indiana University law graduates in large (more than 50 attorneys) law firms, those fifteen years into their careers reported *lower* job satisfaction and family/work balance than their associate counterparts. Further, this trend was most pronounced among attorneys in the largest law firms (more than 150 lawyers).⁵⁵ Similarly, in a sample of University of

53. See, e.g., Kenneth G. Dau-Schmidt & Kaushik Mukhopadhyaya, *The Fruits of Our Labors: An Empirical Study of the Distribution of Income and Job Satisfaction Across the Legal Profession*, 49 J. LEGAL EDUC. 342, 346–47 & tbls.1–2 (1999) (noting among a large sample of Michigan Law alumni that “the high-earning practitioners in large private practices report the lowest average job satisfaction”).

54. See, e.g., Kenneth G. Dau-Schmidt et al., “*The Pride of Indiana: An Empirical Study of the Law School Experience and Careers of Indiana University School of Law—Bloomington Alumni*,” 81 IND. L.J. 1427, 1460–62 (2006) (reporting among Indiana Law alumni significantly lower work-family balance satisfaction for practitioners working in large (50 to 150 lawyers) and the largest (more than 150 lawyers) firms).

55. In the Indiana data, corporate counsel positions, which are often viewed as the best escape route out of large firms, reported only marginally higher scores. *Id.* In contrast, the Michigan data reported significantly higher satisfaction for business counsel. See Dau-Schmidt & Mukhopadhyaya, *supra* note 53, at 347 tbl.2. This may be explained by the systematically different career trajectories of Michigan or Indiana alumni, which reflect different starting and ending points, or the

Michigan law graduates, job satisfaction was lowest—at statistically significant levels—for fifteen-year attorneys working in large law firms.⁵⁶

In essence, the most likely positive outcomes for lawyers who remain in large law firms are higher income and social prestige. There is little or no prospect that the hours, job satisfaction, or work-life balance will improve.

Nevertheless, for professionals that have worked their way into the upper echelons of the legal profession, letting go of external measures of success can be difficult. Laird's and Roosevelt's thoughtful novels raise the possibility that there are high personal costs for those who hang on too long. This insight flashed through the mind of Katja Phillips as she attended the funeral of Harold Fineman, a middle-aged lawyer who died friendless, alone, and at the top of his profession. The entire Morgan Siler partnership turned out for the affair, marching two by two in the "Morgan walk" to pay their final respects to their fallen partner.⁵⁷ Yet, there was "[n]o wife, no children, just lawyers in their dark suits and Harold's secretary, her tears suggesting an unglimped devotion" (Roosevelt, p. 338). There is a lesson here, thought Katja, "This is what happens to the risk-averse" (Roosevelt, p. 339).

Although focused on associates, both *Utterly Monkey* and *In the Shadow of the Law*—with their unhappy, mean, and overworked partners—imply a difficult choice: you can succeed as a partner, or you can succeed as a human being. You may not be able to do both. If this is true, then elite law firms may disproportionately attract lawyers who, after a lifetime of impressive academic success, tend to minimize or underestimate the cost of pursuing professional success.

This is not to say that we take Roosevelt and Laird—or the data—to suggest that partners and associates might only stay in their jobs by adopting some false consciousness about what the job entails. Instead, we think that there may be functional, interest-oriented explanations for why the profession as a whole fails to focus on issues of job satisfaction. Law schools have little incentive to probe the issue, as the upward spiral in associate pay justifies the substantial increases in tuition that aspiring lawyers must pay. Additionally, law school administrators, charged with maximizing their institution's prestige for past and future graduates, need to be solicitous of financially successful alumni who work in large firms. In practice, lawyers at firms that depend on a steady influx of law school graduates are unlikely to bare their souls during the recruitment process.

Further, devotion to one's job confers substantial benefits in the future, such as financial security for one's spouse and children.⁵⁸ From the vantage

fact that the Michigan data were collected in the 1992 to 1996 time period compared to 2000 to 2004 for Indiana alumni.

56. Dau-Schmidt & Mukhopadhyaya, *supra* note 53, at 347 tbl.2.

57. Roosevelt, p. 338. See also Karen Dillon, *Brand Names at the Brink*, AM. LAW., May/June 1995, at 5, 7 (noting the "solemn procession of Cravath [Swaine & Moore] partners walking two by two into their partner's funeral").

58. Indeed, the success of Morgan Siler made it possible for Peter Morgan's daughter, Julie, to pursue public interest law upon graduating from Yale Law School. It remains ambiguous whether

point of a middle-aged partner, it is impossible to know with certainty whether one has made the optimal trade-offs. And if, on some measure, they turn out to be “wrong”—in this context, a profoundly existential concept—lawyers are better equipped than most to explain away their choices.

Laird and Roosevelt also suggest that lawyers who work for large corporate clients are likely to construct a worldview that justifies the legal and economic outcomes they help produce.⁵⁹ In fact, there is some empirical support for this characterization. In a recently published large-scale study,⁶⁰ four prominent social scientists compared the political and social attitudes of Chicago lawyers in 1975 and 1995.⁶¹ They showed that over time, the lawyers became (a) less supportive of government intervention for the poor, disadvantaged, and unemployed; (b) less supportive of equal access to healthcare; (c) less supportive of organized labor; and (d) less concerned about concentrations of power in the hands of a few companies.⁶² Although political values in the general public moved to the right during this time period, the shift on economic policy was much more pronounced for lawyers than the general public.⁶³

The simplest explanation, as the authors of the study note, is the change in the lawyers' client base due to the dramatic growth in the corporate law sector. Between 1975 and 1995, the proportion of Chicago lawyers working primarily for corporate clients increased from 53% to 64%, with a corresponding drop in legal effort expended on individuals (40% to 29%).⁶⁴ Multiple regression analysis on both the 1975 and 1995 samples revealed that after controlling for personal characteristics, such as age, race, religion, and gender, lawyers working for corporate clients tended to hold more conservative economic views. In contrast, the composition of one's clients had no predictive relationship to social values, such as affirmative action and abortion.⁶⁵

Julie's elite social stature, by virtue of her father's wealth, is a benefit conferred on Julie rather than Peter.

59. In one passage, Danny Williams reflects that lawyers “always allow themselves the casuistry of arguing that everyone is entitled to take part in the legal process And this is true. . . . [But] the best lawyers work only for the richest. The trick for your conscience is to put on lawyer's gloves before you dirty your hands.” Laird, pp. 109–10.

60. JOHN P. HEINZ ET AL., *URBAN LAWYERS: THE NEW SOCIAL STRUCTURE OF THE BAR* (2005).

61. Both surveys were based on a random sample of approximately 800 practicing lawyers. *Id.* at 19.

62. HEINZ ET AL., *supra* note 60, at 181–85 & fig.8.2.

63. Drawing on national survey data of the general population, the authors note that in 1975, 78% of the public agreed that too much power is consolidated in the hands of a few large companies, compared to 58% of Chicago lawyers. When the same question was posed in 1995, 75% of the general public held this position (-3%) compared to 31% of Chicago lawyers (-27%). *Id.* at 185–86.

64. *Id.* at 41–44 & tbl.2.1.

65. *Id.* The authors later conclude, “When lawyers are free to pursue their own inclinations, they are, perhaps, likely to divide along lines much like those that divide other highly educated elites. When their clients' interests are at stake, however, lawyers can usually be counted upon to identify with those interests.” *Id.* at 202. See also NELSON, *supra* note 45, at 5 (noting that “my

CONCLUSION

In this essay, we have used *Utterly Monkey* and *In the Shadow of the Law* as windows into the world of law firm life. Both novels tell a dark story about life at large law firms. The lawyers who join and work for these firms are well-educated, well-informed, and mobile. We assumed that such exquisitely rational actors must have good reasons for joining firms. Perhaps the lifestyle isn't so bad, or maybe the money and experience are worth it.

Our data suggest that firm life is no picnic, and that it is even less picnic-like at more prestigious and profitable firms. Firms appear to benefit financially from steering associates into uninteresting tasks, working associates hard, and offering few family friendly amenities. Firms may persuade associates to stay longer by requiring shorter hours, being family friendly, and increasing opportunities to obtain partnerships. But it is unclear that profit-maximizing firms—or, more accurately, firms seeking to retain rain-making partners—would be likely to do so.

We are unwilling to dismiss out of hand the rational actor hypothesis of the decision to join large law firms. Elite firms feature high compensation and low retention. Young lawyers may join these firms for the money, endure a few years of Rooseveltian suffering while paying off their loans and acquiring handsome apartments, and then leave.

Nonetheless, both books, particularly when paired with the data, made us, as law professors, wonder if law schools should be doing more to prepare their students for future firm life. In *Utterly Monkey*, Danny's legal education is barely worthy of mention. The professors alluded to in Roosevelt's novel, meanwhile, provide their students with unhelpful advice (indeed, academia was their escape route) and, in all likelihood, would enthusiastically recruit Walker Eliot—a smart lawyer, but no role model for law students—into their ranks.

It strikes us that much of the preparation for the day-to-day of law firm survival comes from internet message boards, peer education, and scuttlebutt, rather than from the classroom or the career services office. Is this a failure of legal education?

After all, law professors now write novels about lawyers and analyze surveys of lawyers and law firms using basic tools of social science. In both cases, the goal is to explain what law firm life is really like. Perhaps the teaching part of legal education should develop similar aspirations.⁶⁶

research indicates that through the process of advocating the interests of clients, large-firm attorneys come to strongly identify with them").

66. Some members of the legal academy have provided us with a good start on these issues. See, e.g., John M. Conley, *How Bad Is It Out There?: Teaching and Learning About the State of the Legal Profession in North Carolina*, 82 N.C. L. REV. 1943 (2004); David B. Wilkins, *The Professional Responsibility of Professional Schools to Study and Teach About the Profession*, 49 J. LEGAL EDUC. 76 (1999).