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**HEADLINE:** Considering a law career with less hours;  
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**BODY:**

As a hardworking associate fresh out of law school, Faiyaz Hussain gladly spent countless late nights throughout his five-year career at Winston & Strawn camped at his desk, recording billable hours. But in 2002, following the birth of his son, coming home at midnight didn't fly any longer for this new father. Although he loved learning "great skills from some of the best lawyers in the country," he missed out on some of the most precious moments in his son's life.

Hussain left Winston in 2005 and is now an in-house counsel for Grant Thornton -- a job, he said, that allows him to leave the office a little early for his now-5-year-old son's T-Ball games.

"I look back at my time at Winston with a lot of pride and satisfaction," he said, "but I didn't want to constantly keep putting my work life over my family life."

Hussain's dilemma is the classic choice law students have to grapple with. What comes first, a career or a life outside the office? They have seen attorneys before them try to arrange their lives around the system. But an organization started by a couple of Stanford Law students promotes a slightly different approach. A plan of action Law Students Building a Better Legal Profession wants to change the system altogether.

In April, over 125 students from leading law schools across the country -- including Northwestern, Columbia, Yale, NYU, and Stanford -- e-mailed hiring partners at the Am Law 100 law firms, asking the firms to "recommit to a legal profession devoted to justice and to lawyers as people."

Their mission: "to [ensure] that practicing law does not mean giving up a commitment to family, community, and dedicated service to clients."

The letter asks law firms to adopt a transactional billing system, reduce billable hours required for partnership, clarify work expectations, and offer balanced-hours policies that allow associates to work fewer hours than a full-time attorney, but for proportional pay. Members state that their

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post-graduation career choices will be based on law firms' compliance with the modifications.

"We care about the future of the legal profession," said Craig Segall, a co-founder of the group and a 2007 Stanford Law graduate clerking at the 9th Circuit. "Students' dedication to strong professional standards and integrity has been faltering beneath the weight of ever-escalating hours standards.

"We say law is both a business and a profession," he said. "These changes are not simply to accommodate our own desires as attorneys ... Firms themselves will be more profitable and at the same time further the interests of clients, communities, and justice itself."

One of the more interesting aspects of the students' platform is that they are willing to earn less money. According to the 2006 Associate Salary Survey, released by the National Association for Law Placement, the median salary for associates at large law firms rose to \$135,000, up \$10,000 from the previous five years. In 2007, first-year associate salaries at many large law firms, including 23 Chicago firms (see hiring chart beginning on p.12), reached \$160,000.

"The associate salary hikes are horrible, and encourage everything that we are trying to change about this profession," said Andrew Canter, a co-founder set to graduate from Stanford Law in 2008. "Raising first-year salaries to \$160,000 comes with greater expectations of billable hours, and perpetuates the cycle of overwork that is associated with law. I think most attorneys would take a trade of more manageable hours for less money. ... I know I would."

The American Bar Association assembled a commission in 2001 to learn how billable hours really work. It surveyed hundreds of law firms, asking them about their billing practices. The resulting ABA Commission on Billable Hours Report, issued in late 2002, pointed out billable hour policies as the apparent cause of many problems.

Segall and Canter draw many of their arguments from this report.

The current system, the group said, negatively affects clients, attorneys and law firms.

The group argues that billable hours systems give incentives to lawyers to increase billable time in order to maximize profits, even if the hours clocked-in are not necessarily spent working diligently for clients.

The ABA Commission on Billable Hours Report agrees but emphasizes that "reputable lawyers" do not pad fees. However, the steep billing expectations pressure attorneys to record their time aggressively rather than conservatively.

"Under those circumstances," the report reads, "a lawyer might be less likely to carefully evaluate the quality of time spent. Hourly billing tends to lead to simple quantitative recordings of time without qualitative judgments being applied."

The report suggests alternative billing arrangements "favorable to the profession" that firms can use to combat these tendencies. The most frequent alternative billing method reported in the surveys -- and most similar to the method that the students promote -- is the fixed or flat-fee method. Clients

would pay for a task to be carried out at a specific pre-agreed upon rate.

"[A transactional billing system] is more efficient, less susceptible to pointless hours competition, and rewards creative legal work rather than time spent in the office," the Stanford group said. Making a lawyer's life better Scheduling demands can also take a much more profound toll on attorneys' personal well-being.

In *Soul for Sale: An Empirical Study of Associate Satisfaction, Law Firm Culture, and the Effects of Billable Hour Requirements* [69 UMKC L. Rev. 239 (2000)], author Susan Saab Fortney explores the deteriorating mental health of attorneys, explaining that overwork is one reason why lawyers are more prone to alcohol abuse, psychological distress, depression, anger, exhaustion, and chronic fatigue. Sleep deprivation, for example, has a significant effect on an attorney's cognitive performance.

"The point is that this of course takes a personal toll, but also affects the quality of work," Fortney said. "It is not only a concern of quality of life for lawyers. It's a matter of a client satisfaction."

The most convincing sacrifice, however, might be the chain effect that billable hours have on law firms themselves. The cost of attrition is huge, resulting in hundreds of thousands of dollars lost when associates leave after a few years.

The Project for Attorney Retention, or PAR, at University of California Hastings College of the Law formulated a worksheet that law firms can use to calculate how much money a firm loses.

"We use the figure \$250,000 to \$500,000 based on our experience working with firms," said Cynthia Calvert, co-director at PAR. "At least two firms have told us that it costs them more than \$500,000 per departing associate."

Although Calvert could not disclose the names of the firms, she said a few Chicago law firms contacted PAR for help.

A balanced-hours policy, she said, is a business initiative designed to cut attrition and increase the long-term profitability of the firm. If firms can create more manageable work environments and hold onto associates for longer, then they can save the money that they would have to dish out to train new associates.

"Sometimes it is easier to frame this topic in practical terms like numbers and figures instead of abstract concepts, so we can show that this is more than some idealistic cause," Calvert said.

One critique that the student group often runs into is the claim that they don't understand the economics, and are not working within the market. But Segall said the message is clear.

"Once law firms understand that this is directly affecting their profit margin they usually sit down at the bargaining table with us," Segall said, "but the question is whether or not the firm is smart enough to recognize this problem." Firms weigh in Segall said representatives from Orrick, Herrington & Sutcliffe's Los Angeles office and Canada's Axium Law Group met with them to discuss small, yet important, changes.

Only a handful of Am Law 100 firms in Chicago responded to the group's e-mail. Some firms said hiring partners and recruiting coordinators aren't the correct people to contact about such an over-arching concern. Others have strict policies of not talking publicly about their billing methods.

"Unfortunately, most of them don't want to address this issue," Segall said. "I suspect that a lot of the large law firms are simply afraid of change."

Elaine Miller, the attorney recruiting and development manager at Katten Muchin Rosenman, said that, even though Katten uses a billable hours standard, the firm nevertheless values some of those same goals that the students are advancing. Miller said Katten values teamwork and quality rather than quantity. Katten also offers part-time and reduced-hours policies to accommodate attorneys' personal lives.

"With these and other options, we offer our attorneys the balance they want while ensuring that they can fulfill their obligations to the firm and our clients," Miller said.

She agrees that most of the group's goals are important, and said Katten is always open to exploring innovative ways to improve their policies.

"It is always important to encourage dialogue, and give attorneys outlets to voice concerns and offer suggestions," Miller said. "That is how our profession, like many others, evolves and improves."

Thomas M. Fahey, managing partner at Ungaretti & Harris, said his firm already practices all of the groups' objectives to varying degrees. The firm promotes reduced-work schedule policies, transactional billing options, and clear work expectations. This balanced approach is imperative to ensuring optimal performance for clients and ultimately success for the law firm, he said, but he is skeptical as to how successful the group's efforts will be.

"It is an interesting approach, but I just think that it is a bit naive and unrealistic to think this student movement will change the world," Fahey said. "Clients are going to be the people that will trigger that."

Stephanie A. Scharf, a partner at Schoeman Updike & Kaufman, commends the students' efforts to expect more from the legal profession, but emphasizes that she personally has never had any negative experiences with large firms.

She said that it is not always the billable hours that drive associates to leave. Formerly a partner at both Jenner & Block and Kirkland & Ellis, Scharf left Jenner and opened a smaller Chicago firm.

"While I fit well with a large firm for many years," Scharf said, "I recently left [Jenner] to be more entrepreneurial and experimental with fee arrangements and hiring."

She supports the students' initiatives to implement balanced hours policies and flat-fee billing options -- provisions that her own firm already practices -- but isn't so sure that their journey will yield immediate results.

"Big changes might happen if the profession gets to a tipping point where the big firms see themselves in difficult hiring situations," Scharf said. "But I don't think they have reached that point and don't think they will for a while."

Tomorrow's lawyers Whether law firms choose to change can depend on whether young attorneys will work under the existing conditions.

Students like Alfred Zachary Murray, a second-year student at The John Marshall Law School, believe these students can improve the legal profession.

"Not to sound like a tree-hugger about it, but if these students can successfully get into positions of power we might be able to shift the focus from how we can make more money to how we can contribute to the betterment of society," Murray said.

His motivation for pursuing a law degree has always been to "make the profession into something that you can believe in."

He plans to become a trial lawyer so he can represent the underrepresented. Although he admits that money is an undeniable factor in many career decisions, and he fears that with the recent associate salary hikes, some students might make it a top priority.

"I say this now and hopefully this will remain true," Murray said. "I will not compromise my principles, and the reasons I went to law school to begin with for money."

Family is also an important element to consider for Murray. His mother was a lawyer, and missed out on a lot of his childhood because of work. Recently engaged and hoping to have a family of his own one day, he hopes his career can be compatible with his life.

"I don't want to be an absentee husband or father. Unfortunately, it can sometimes take the backseat but it shouldn't," he said.

There are those who agree with the principles behind the group but remain skeptical of whether it can make a difference.

Jordan Powell, a 2007 graduate of Chicago-Kent College of Law, chose to work at a smaller firm a few summers ago because he sought a firm where lawyers could balance working hard for their clients while still enjoying life. He agrees that there is a point at which overwork can cause inefficiency. But whether firms will change accordingly, he is unsure.

"I wish the excessive hours would change and I know people don't like it," Powell said, "but unfortunately the big firms are looking to go the other way."

He has seen many students at some point consider how stressful the legal profession can be, but said he doubts this concern motivated anyone to reconsider law altogether. The determining factor in a strong career is motivation.

Huda Krad is one of those motivated people. Krad received a bachelor's degree from St. Xavier University, master's from University of Chicago, taught English at numerous Chicago universities including Loyola University Chicago, and will be entering her second year at Loyola University Chicago School of Law.

She said the student group represents a noble cause but she doesn't know how successful they will be. As much as she agrees that money must not be the most important factor in a career, she cannot ignore it completely.

"My colleagues and I worked really hard and struggled a lot in my past career, but were absolutely not compensated for our struggles," Krad said. "At least in law you work hard and get paid for it."

After graduation she plans to start at a large law firm, despite the rumors she has heard about a cutthroat lifestyle.

"I don't necessarily disagree with the group, but I still want to try the large firm thing out for myself," Krad said. "You work hard. You get tired. You may not be able to stay there for many years, but I've consistently heard that ultimately the training is excellent and well worth the effort. Others might not be willing to make that sacrifice, but, for the time being, I am."

Emily Quick, a 3L at Northwestern, understands the group's intentions, but would not personally sign-on. She said many different routes exist for budding lawyers to take other than the traditional large firm route.

Currently a summer associate for Hogan & Hartson in Washington, D.C., she enjoys working for a large firm, but that doesn't necessarily mean that everyone is cut out for it.

"Not everyone needs to practice at these large firms," she said. "It is more about personal choice than trying to reform the industry."

Others dismiss this student group as being too ambitious.

Katie Pimentel, a first-year student at John Marshall, leads quite the busy life. Pimentel is a New Orleans native, proud Katrina survivor, and a professional musician. She is also a full-time project manager for a Fortune 400 company, and part-time evening law student.

Pimentel said these Stanford students have no idea what life in the real world is all about. She disagrees with the students demanding clearer work expectations.

"I don't need to whine about the long hours that are knowingly expected from a large firm," she said. "The lawyers that go that route are well aware of what they are getting into, and go into it with the intent to work hard and make money."

In response to the student's call for lower required hours for partnership, Pimentel said, "It sounds to me like they are looking for the prestige and status of being partner in a large firm without actually working for it." Handling life's realities One problem that many of these students will face after law school is the mass accumulation of student loans, which could force them to care about money.

According to the Nelly Mae 2002 National Student Loan Survey, law student borrowers report an average accumulated debt from all years -- undergraduate and graduate study -- of \$91,700.

"The students must not have loans to pay back, or they would not be compromising their paychecks for an idealistic approach to a better life," Pimentel said. "If they want such a so-called better life, perhaps the legal profession is not for them."

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Also a first-year student at John Marshall, Dena Elkhatib understands where the group is coming from but said these students seem out of touch with reality. She said the work-balance issue is not specific to law. Most jobs require working more than normal banking hours, which means sacrificing for the sake of the company.

"I am not oblivious. Life is tough and sometimes too difficult to balance both a career and life outside of work, but I chose this profession," Elkhatib said. "There is no perfect profession that allows you the castle in the hills and lots of free time." Staying strong Segall and Canter deem their opposition's critiques "fatalistic."

"The idea that things can't be better and that we should just passively accept what has been presented to us is simply ridiculous," Segall said.

With a Stanford Law degree and a position as a clerk at the federal appellate level, many recruiters see people like Segall as their ideal associate.

"I have no intention of ever going to a law firm. I went to law school for the explicit purpose of environmental law, but it's not about me," Segall said. "At the very least it's about raising awareness to change a fundamentally inefficient system."

Canter still attends Stanford Law and remains the driving force of the group. The group plans to give presentations in September at about 15 law schools around the country. Group membership is now at roughly 140 law students.

"We all just have to be patient," Canter said. "Law firms should know that students like us plan on being involved in these issues for several years to come, and we're not going anywhere." ssuleiman@lbpc.com

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