

Graduating from Georgetown University Law School in 1961, my career expectations were wildly divergent from most of today's law school graduates. I felt privileged to be accepted into an established law firm; in those days law firms were relatively small and operated as a large family. I also was somewhat amazed that the firm entrusted me to work with clients it had developed and nurtured over many years. The firm took fledgling lawyers under its wings and developed them into the role of familial elders who received deference accorded to their age and experience. If I met the firm's expectation, this would be a life-long relationship.

Senior partners told me that the key to a successful law practice was simple—do good work and work hard. More business, as well as professional success, followed naturally from this work ethic. I began my career certain that the legal profession represented something more than an ordinary job. We did not just dispense legal know-how to top-paying clients; we served as leaders in bar associations and our communities, and client relationships lasted decades.

Today, the typical law firm does not resemble a family. It's a business that chases after profits without loyalty to its partners. Recently, two large firms sheared their partnership ranks by about 10 percent, and another major firm demoted about twenty of its partners to nonequity status. The managing partner of one of these firms admitted that firing partners was a "hard decision," but that the firm "decided we need to do things differently [because] this is a business."

However, the poster boy of today's law firm management is the Chairman of another major firm. He justified that firm's decision to pink slip forty-five of its partners—despite revenues of over a billion dollars in 2006 and amid an eleven percent revenue increase—because "we have objectives to make sure our stock price stays high." Spoken like a wanna-be CEO playing in a fantasy league of Fortune 100 companies. Law firms can't issue stock to the public. So he was probably referring to the rankings found in *American Lawyer*, a magazine that annually ranks firms on their profit-per-partner ratio. Many feel that these rankings have firms single-mindedly pursuing profits at the

expense of all else, including providing quality work to the clients and community involvement.

The lack of loyalty works both ways. Lawyers have become free agents and are willing to switch teams if the money is right. There is so much movement these days that almost every legal publication has a column reporting on these moves.

When partners leave their firm for another firm, they justify the move with drivel such as "time for a change," "allow me to expand my practice," "fewer constraints and more freedom to operate," "a unique opportunity to build on a top-tiered [pick the field] practice." In truth, unless the lawyer was pushed out, he or she is just following the money and will quickly pull up stakes and move again for more money.

Indeed, a headhunter with a major search firm recently commented about a move that lasted less than three years: "[The law firm] made a big investment in [the free agent], and it didn't play out the way they would have liked. Nobody likes to see somebody leave that quickly."

This culture has a trickle-down effect. Most new associates do not stay at a big firm very long. A survey conducted by The National Association for Law Placement in 2005 found that 78 percent of attorneys with about five years of experience had left their first firm.

Insatiability for profit and the love of rankings also impact the profession in the earliest stages of the process. Law school graduates no longer feel privileged to be accepted into their new firm; they believe their education gives them an entitlement to the job. The attitude is more "You're fortunate to get me" than "I am fortunate to get this opportunity."

And law students are looking for top dollars because more than 80 percent graduate in debt: in 2005, the average amount borrowed by the graduating student was more than \$78,000 at a private school and \$51,000 at a public school. They carefully monitor the starting salaries of law firms on websites like *xo.com*. This site recently featured hall of shame lists for firms that did not instantly sign on to the latest wave of salary hikes across the country.

This attitude sometimes begins before aspiring lawyers even apply to law school.

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Many potential applicants use the rankings of *U.S. News & World Report* as their yardstick for the law school of choice because they know that law firms give these rankings credence. So law schools are concerned about their rankings.

These rankings give significant weight to the LSAT scores of the school's students. Thus, the law schools adopt admissions policies that give the LSAT score more weight than a student's undergraduate grades, character, or service to the community. Indeed, a school may accept an applicant but request that he or she retake the LSAT exam in an effort to boost the school's rankings. Applicants are attuned to this sensitivity and measure themselves against other future lawyers at Web sites that allow you to monitor what GPA and LSAT scores are being accepted at a given law school.

With the profession's monocular vision fixed on profits, it's no wonder that firms now have internal marketing staffs and spend more time and energy advertising for new clients. Firms typically spend at least three to five percent of their gross revenues on marketing, a number that includes everything from advertising to corporate intelligence.

Advertising was essentially nonexistent when I first entered the profession and the few lawyers who did advertise were generally not respected in the legal community. Lawyers and law firms relied on their standing in the legal and lay communities and their reputations for quality work to do the advertising for them. This approach encouraged lawyers and firms to make work quality and community reputation their top concerns. Then in the 1970s the U.S. Supreme Court held that an Arizona statute prohibiting the advertising of legal services was an unconstitutional conflict with the First Amendment right to free speech. This ruling opened the advertising flood gates!

Many corporate clients now consider their outside lawyers as a fungible commodity. They pit firms against each other in beauty contests. They assume that the quality of the legal work is equal, and therefore in these contests look for discounts, fixed fees, knowledge of the client's business, how fast phone calls will be returned, and the firm's diversity. When quality is not the key factor because

it is assumed to be equal, it makes for interesting competitions.

With the client's attention focused away from the quality of the work, firms now fuss over their brand image and inundate potential clients and the legal community with self-congratulatory annual reports, paid-for news articles about the accomplishments of their partners or associates, and other blatantly braggadocio, supercilious materials. The public and the legal community are now so immune to unseemly lawyer advertising that no one raises an eyebrow until enterprising lawyers got a great deal of public attention recently with a billboard in Chicago picturing a guy with washboard abs and a shapely woman and the slogan "Life's Short. Get a Divorce." Such practices may win new clients, but when they become the profession's way of communicating with the lay community, it calls into question the culture and fabric of today's legal profession.

However, there is good news. Believe it or not, there are still law firms that believe in quality work and client service first and foremost, and lawyers who do not put financial reward as their first priority. ■