

# **Bridging the Gap from Law School to Law Firm**

Challenges and Opportunities that  
Can Last an Entire Career

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## Preface

In 2005, in collaboration with Ms. Tasha Landberg and the Swedish Bar Association, we conducted a major study on stress and sources of stress among Swedish lawyers. 2355 questionnaires were analyzed, showing marked levels of stress and indicated certain sore and blind spots in the profession from a work psychological point of view. The Swedish Bar Association had the foresight to heed the results of the study, and Tasha and I therefore were offered to conduct CLE workshops on stress management and client psychology – identified as the two most important skills to complement lawyers.

Since then I have had the privilege to meet literally thousands of lawyers within the context of the Bar's CLE services. I have also delivered training at law firms of all sizes throughout Sweden.

These experiences have given me reason to further ponder the needs and work psychological blind spots in the profession.

In this series of white papers, I seek to further explore these often neglected – but vitally and practically crucial – dimensions of lawyering.

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## Introduction

As one enters the gates of the first workplace as a lawyer, any discrepancy between the legal education and the actual practice of lawyering becomes immediately – and painfully – apparent. Years of diligent studies and ambitious preparations may fall short, leaving the new lawyer scrambling for hands-on solutions to a variety of challenges for which he may not have been adequately trained. Comparable professions such as doctors and psychologists go through practical training during their educational requirements; there are no similar requirements for lawyers. While law school is a prerequisite for eligibility to sit for the bar examination, obtain the license, and engage in legal work, it may prove insufficient for the challenges associated with work as a practicing attorney. This lack of training is not only to the detriment of the new lawyer, but also to the law firm and, in the end, the clients.

Law firms are sophisticated, yet staunchly conservative, creatures. The reigning motivational theory is money and partnership. Focus is on billable hours and new business recruitment. This has resulted in the comparatively weak role for Human Resource departments in law firms. Lawyering is a prime example of knowledge work, where the prime asset is found in the mind and therefore directly based on the well-being of its workers. Refining internal processes and developing its primary resource (staff) by offering training in non-legal but highly empowering skills such as stress management is rarely a priority.

Our overview of the terrain and challenges faced by new lawyers is based on two premises. First, law school does not provide the full training for actual lawyering and no other institution fully complements that shortcoming. There is a stark gap between the almost mythological concept of a lawyer and the lawyer's daily work. Second, law firms suffer from a deficit of insight into how knowledge workers are best motivated and under what condition they perform at their very best. Disregarding these two premises comes at great cost, although both could be substantially remedied with comparatively modest interventions.



## A Basic Definition of "Stress" – Magnified by the Legal Profession

A simple definition of "stress" is this: "...a situation where you are subjected to more pressure than you actually have the ability to deal with, and where it is not acceptable to confess that you cannot deal with it."<sup>1</sup>

We all experience stress, in everything from cooking a family holiday meal to getting to work on time.

But, what happens when that "stress" occurs in the context of one's work as a licensed professional who is practicing law for a living?

The magnification of stress on the job while practicing law can manifest as:

- worry over the amount of work expected to be performed
- reluctance to take time off work
- working long hours to get the job done
- engaging in substance abuse
- increased morbidity from substance abuse than the general population.<sup>2</sup>

On April 5, 2013, the American Bar Association e-blast headline to its members read "Associate attorney is the

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1 Nicholas Murray, "Focus: Solicitors and Stress," *The Law Society Gazette* (December 2, 1995). Accessed 01/03/2013 at <http://www.lawgazette.co.uk/news/breaking-points-examination-causes-stress-high-street-and-city-following-a-survey-suggesting-so>.

2 Frank Gibbs, "Solicitors who cannot face another day at work," *Law Teacher* (undated). Accessed 04/08/2013 at <http://www.lawteacher.net/articles/0085.php>.

unhappiest job in America, survey says.”<sup>3</sup> The survey came out in a Forbes magazine article.<sup>4</sup> According to the chief executive of CareerBliss.com, which conducted the survey, “Associate attorneys stated they felt most unhappy with their company culture, adding, “People in this position rated the way they work and the rewards they receive lower than any other industry.” Within days, the article had more than 7,500 Facebook shares.

There is both high-level and widespread acknowledgment that it is stressful to be a lawyer, yet the practice of law continues, status quo.

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3 E-blast received by author Paloma A. Capanna, *Attorney*, on this date.

4 Jacquelyn Smith, “The Happiest and Unhappiest Jobs in America,” *Forbes Magazine* (March 22, 2013). Accessed 04/08/2013 at <http://www.forbes.com/sites/jacquelynsmith/2013/03/22/the-happiest-and-unhappiest-jobs-in-america/>.

## The Holy Grail at Top Tier Firms

Any discussion of stress in young lawyers requires a blunt understanding of the golden egg for which the behaviors are created and the process of becoming a lawyer is voluntarily entered. With the full support of our culture, money is continually reinforced as the holy grail awaiting those who become successful attorneys. The so-called “equity partner” at a private law firm has long been viewed by lawyers, specifically, and society at large as a desirable combination of wealth and power.

Indeed, in 2011, top, international law firms based in the United States offered starting salaries at \$160,000 base pay, \$10,000 merit bonus, billable hours bonus, and more.<sup>5</sup>

The catch? Firms paying at these rates have expectations of upwards of 2,100 billable hours per year, or, an average of more than 40 hours per week of work billed against active files.<sup>6</sup> Of 499 law firms responding to a National Association for Legal Career Professionals survey, the average number of annual billable hours worked in 2009 and 2010 were 1,772 hours and 1,799 hours, respectively. The corresponding total annual hours worked in those years was 2,025 and 2,044.<sup>7</sup>

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5 LawCrossing, “LawCrossing Salary Survey of Lawyer Salaries in Best Law Firms,” (2011). Accessed 01/03/2012 at <http://www.lawcrossing.com/article/7349/LawCrossing-Survey-of-Lawyer-Salaries-in-Best-Law-Firms/#>.

6 *Id.*

7 “Number of Associate Hours Worked Increases at Largest Firms,” NALP Bulletin (February 2012). Accessed 01/02/2013 at [http://www.nalp.org/billable\\_hours\\_feb2012#table1](http://www.nalp.org/billable_hours_feb2012#table1).

Taking into consideration other aspects of the job that are not billable, such as continuing legal education, pro bono requirements, firm meetings, and administrative responsibilities, at least one estimate is that to achieve 1,800 billable hours in a year requires 10-hours per day for a 5-day work week.<sup>8</sup> To hit 2,200 billable hours, exceeding minimum billable expectations at some firms, it is estimated that it would require 12-hour days, 5-days per week, plus three Saturdays per month, for a total of 3,058 hours at the office.<sup>9</sup>

And that is just the beginning. The goose that keeps laying the golden egg at these top-tier firms can lead to partnership positions where a lawyer eventually shares in lucrative compensation, including a percentage of profits of the firm. At a firm like Arnold & Porter (Washington, D.C.-based), its 2011 gross revenue was \$639.5 million with net income at \$304.5 million – a profit margin of more than Fifty Percent (50%).<sup>10</sup> Arnold & Porter LLP has more than 800 lawyers working in nine offices across the US and Europe.<sup>11</sup>

According to the American Lawyer, the highest profits per partner for 2011 were awarded at Wachtell, Lipton, Rosen & Katz (New York), a firm with \$552 million in gross revenue, awarding \$4,460,000 to each of 78 equity

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**8** “The Truth About the Billable Hour,” Yale Law School Career Development Office. Accessed 01/02/2013 at [http://www.law.yale.edu/documents/pdf/CDO\\_Public/cdo-billable\\_hour.pdf](http://www.law.yale.edu/documents/pdf/CDO_Public/cdo-billable_hour.pdf).

**9** *Id.*

**10** Zoe Tillman, “Arnold & Porter Gross Revenue Grew by 15.2% in 2011,” The Legal Times (February 16, 2012). Accessed 01/02/2013 at <http://legaltimes.typepad.com/blt/2012/02/arnold-porter-gross-revenue-grew-by-152-in-2011.html>.

**11** Arnold & Porter LLP website, accessed 01/02/2013 at [http://www.arnoldporter.com/about\\_the\\_firm\\_who\\_we\\_are\\_firm\\_facts.cfm](http://www.arnoldporter.com/about_the_firm_who_we_are_firm_facts.cfm).

partners.<sup>12</sup> The annual survey by the American Lawyer reported that profits per partner among the top 100 global firms averaged slightly over \$1.5 million in 2011.<sup>13</sup>

But is this more of a lead balloon than a golden egg? In 2002, the American Bar Association engaged a "Commission on the Billable Hour," under the influence of United States Supreme Court Justice Stephen G. Breyer. As he wrote in the forward of the 90-page Commission findings, "The villain of the piece is what some call the "treadmill" – the continuous push to increase billable hours. As one lawyer has put it, the profession's obsession with billable hours is like "drinking water from a fire hose," and the result is that many lawyers are starting to drown."<sup>14</sup>

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**12** "The 2012 Global 100: Profits Per partner," The American Lawyer, accessed on 01/02/2013 at <http://www.americanlawyer.com/PubArticleTAL.jsp?id=1202571229443>.

**13** *Id.*

**14** "ABA Commission on Billable Hours Report," American Bar Association (2002). Accessed 01/02/2013 at <http://www.judicialaccountability.org/articles/ABABillableHours2002.pdf>.

## The First Chapter in a Career Path Marked by Stress

Any conversation to discuss the challenges and opportunities in the gap between law school and practice life needs to thoughtfully identify and consider the elements of the process that creates the licensed attorney. Part of the gap between newly admitted attorneys and practicing attorneys is created through what comes before the point at which the license is conferred.

The essential requirements of becoming an attorney are a four-year undergraduate degree, a three-year law school degree, a bar examination, and in some states, an ethics exam and/or a personal interview. What began as an apprentice system has evolved into the modern system of a classroom education, testing, and entry process, which one can complete without ever having been introduced to a client or setting foot in a courtroom.

Law school uniformly begins with "core courses" taught in constitutional law, civil procedure, criminal procedure, contracts, property law, torts, and legal writing. These first year courses teach the basic tenants in these core areas of law.

Students purchase tomes for coursebooks, several inches thick and several at a time. The essential book format is limited explanation, reported case excerpts, and some manner of question. The coursebooks are not designed to teach problem-solving skills. Indeed, the teaching cliché is quite the opposite: "issue spotting." Students are expected to use their textbooks to digest fundamen-

tal legal principles so that they can read or listen to a narrative and identify when legal principles are triggered. The methodology is rote and voluminous memorization.

In the three-year law school education, it is rare for a law student to be other than in a group setting in a classroom. Because law professors, by tradition, use the Socratic Method, it is even rare for a law student to have to develop a comprehensive answer without the law professor moving on to another student during the same line of questioning.

Another dominant aspect of the law school classroom setting is the proverbial "war story," which is a style often adopted by law professors who are or were practicing attorneys in which a singular narrative is delivered by way of illustration to the glory or humor or self-deprecation of the law professor. The entire story builds to an "Ah-ha!" moment in which the professor reaches the self-aggrandized apex of becoming a hero.

Grading in law school can be as fraught with anxiety as a single question on a single exam at the end of the term. Law students are expected to figure out the right answer, even in an essay format exam, and complex scenarios can be treated as black and white as a math exam. Particularly during the first year of law school, there can be little feedback and even less personal instruction.

For some top law school students, additional rites of passage enter in to the molding of the future attorney, namely law review and moot court. These accolades, conferred upon a select few, carry sufficient prestige as to remain an active part of the credentials of practicing attorneys throughout the remainder of their careers. Other variables which, to a lesser degree, can impact some law students are the class ranking and grade point average.

The immediate problem with this extensive list of elements that factor into the licensure process for attorneys is that through a combination of years, effort, and stress, law students eventually become admitted attorneys with a strong set of expectations for themselves, their employers, and the profession. These very elements begin the marked pressure of conformity, disconnection, and checking the box. During this time one is filled with the impression that to ask questions could land one on transfer to the philosophy department. This is, after all, the practice of law, or didn't you know?



## **Stressors Impacting the Recent Law School Graduate and Newly Admitted Attorney Abruptly Shift from the Stressors that Shaped the Attorney During Law School**

We start this second list of challenges facing newly admitted attorneys on a different piece of paper than the challenges facing the law student. And when we do so, we must keep in mind that we are talking about the same person. Several factors concurrently hit the new graduate. The reality accompanying these stressors are the demand to produce billable hours while being expendable. All this, while being expected to know and perform a wide range of untaught skills, including time management, rain making of new business, client interaction, legal negotiations, and fitting into an entirely new culture at the firm.

### **The Bar Examination**

Bar exam preparation is not begun during the 3-year graduate studies of law school. Very often, law school graduates enroll in private company courses designed solely to prepare them for the bar examination. Recent graduates must learn those materials, sit in those classrooms, and take numerous practice tests. The recent graduate of law school must then become a student of bar exam preparatory schools. This, too, comes at a financial cost to the recent graduate.

Immediately upon graduation from law school, the additional requirements come in the form of licensing,

set differently by each of the fifty states. Every state requires some form of written examination, some include an oral examination, others an interview with references, and still others an ethics exam. Not only is this not covered during law school or a law school guidance counselor, the bar exam prep courses, likewise, are completely disconnected from the practical requirements of signing up for the bar exam. Essentially, the recent law school graduate is expected to find his own way to the test and also to pay the bills associated with it.

There is no guarantee that even with a law school Juris Doctor degree, a completed bar exam prep course, or survival of the multi-hour bar examination that admission to practice law will be conferred.

## Student Loans

Concurrently, there is the pressure of landing a first job as quickly as possible after law school graduation in order to begin paying student loans. If we say that the average law school graduate faces more than \$100,000 in debt (the U.S. has arguably the most expensive legal education in the world),<sup>15</sup> and if we recognize that the typical government-backed student loans can only be deferred for so long,<sup>16</sup> we can start to imagine this problem.

The statistics are not encouraging. In mid-2011, *The Economist* reported on "a less gilded future," interpreting

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**15** Josh Block and Janet Lorin, "Law School Student Debt Exceeds \$100,000 Amid Jobs Shortage," *Bloomberg* (April 18, 2012). Accessed 01/02/2013 at <http://www.bloomberg.com/news/2012-04-18/law-school-student-debt-exceeds-100-000-amid-jobs-shortage.html>.

**16** United States Department of Education, Federal Student Aid website. Accessed 01/03/2013 at <http://studentaid.ed.gov/repay-loans/deferment-forbearance>.

data from the United States Bureau of Labor Statistics, "After a dozen years of growth, employment in America's law industry, the world's biggest, has declined for the past three years."<sup>17</sup> Early in 2012, the National Law Journal represented that hiring among the top 250 firms as per their rankings was up 1.7%, well below the 4%-5% growth of 2005-2008.<sup>18</sup> According to data compiled by the Wall Street Journal and published in June 2012, today's law school graduates face only a 50% chance of securing employment within 9-months of graduation.<sup>19</sup>

### **Immediate Employment and Billable Hours**

Some recent law school graduates are considered lucky to secure immediate employment, however, it is typically contingent upon passing the bar examination within a defined period of time. This adds pressure that an inability to pass the bar examination in the first sitting will not only mean a second round of preparation, it may also mean immediate loss of employment. And, for those who secure this early employment, it can mean that they are preparing for the bar examination in addition to working forty or more hours per week.

Once in the employ of a private law firm, whether before or after passing the bar examination, the recent

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**17** "A less gilded future," *The Economist* (May 5, 2011). Accessed on 01/02/2013 at <http://www.economist.com/node/18651114>.

**18** Scott Graham, "A time to grow, once again," *The National Law Journal* (March 26, 2012). Accessed on 01/03/2012 at <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?germane=1202489565842&id=1202546791878>.

**19** Joe Palazzolo, "Law Grads Face Brutal Job Market," *The Wall Street Journal*, June 25, 2012. Accessed on 01/03/2012 at <http://online.wsj.com/article/SB10001424052702304458604577486623469958142.html>.

law school graduate is introduced to the billable hour. Time management is not a skill taught in law school, and for many new employees, their training in billing equates only to training in the use of the firm's billing software. Little is done to assist an attorney's understanding of how to structure a day, week, or larger block of time, how to estimate the number of billable hours a case may require, how to balance billing between clients with moneys on deposit and those who pay after professional services have already been rendered and expenses advanced, or what to do in the event of a client billing dispute.

The billable hour also needs to be understood in the context of the minimum number of billable hours. This is the figure, typically stated as an annual figure, that a private firm sets as the employment expectation. In actively managed firms, new hires may get weekly reports on their billing entries – reports that may also come with a senior attorney or managing partner issuing reminders of expectations. This narratives seep into the halls of law school in the form of hushed stories of new hires at leading, national law firms sleeping on cots for three hours in the early morning and taking showers at the gym nearest their cubicle.

And, in this period of transition, already comes statements about "making partner" and "partnership track." For the ambitious, it is a straight-line sequence of college, law school, bar exam, hire, partner-by-30. It becomes more than just the reports of one's own billable hours; it turns into comparisons to peers in the same class of hires. The partnership position of equity ownership in a private firm is the basis for all other behaviors by everyone else in the pyramid above the newly hired for the necessity of work, work, and more billable work.

Amidst the ingrained structural dilemmas presented by employment, the one least often cited is that of direct client contact and management. Generally, for lawyers in any size private firm, a mere fraction of their time is spent in direct contact with a client, whether by telephone, correspondence, meetings, or court appearances. By and large, lawyers work with lawyers and socialize with lawyers. So, quite often, new hires are assigned the direct client work with the firm's least desired clients. The ones who are behind on their bill. The ones who keep calling. The ones who are unhappy with the work done so far, even if it preceded the new hire. Like time management, client interaction is not a skill set taught in law school, nor at firms. Indeed, there is a very real possibility that for the new hire, the same senior attorney, partner, or firm manager who regularly discusses billable hours does not either provide direct guidance or offer intervention in client relations.

Additionally, the recent law school graduate is likely to have his own copy of a state code of professional responsibility lurking about his office. In truth, there may be a strong emotional relationship with that book, one that is filled with dread and one with the notion that the book won't reveal the confidence of which page the graduate was trying to look up. The corresponding body known as the attorney grievance committee is unlikely to be viewed by a recent graduate or newly admitted as a resource, given the committee's public exercise of its power to disbar attorneys.

## **Various Forms of Practice Reflect Different Sub-cultures within the Legal Profession, and Each Carries Its Own Positives and Negatives for the Newly Admitted Attorney**

Before we go further, we should draw attention that the previous section made mention to the private law firm, which is the primary employer of lawyers in America. One of the questions we had was whether it could be said that any one form of employer in the legal profession was arguably less stressful – or at least healthier – than another.

While speaking in broad generalizations, the primary options for practicing law are solo practitioner (self-employment), small to mid-sized private firms, large private firms, non-profit legal organizations, government offices and agencies, and academic institutions. For the sake of discussion some general differences among these work environments can be noted.

*Solo Practitioner.* An unlikely choice for newly admitted attorneys, it is a popular choice after some years of practice experience. There are at least two major barriers to entry at this level, including start-up capital and attracting new clients with no experience to offer. However, for the self-employed attorney, there is the added stress from lack of immediate, confidential resources to discuss issues with clients, billing, and ethics.

*Small to mid-sized private firms* plus solo practitioners make up more than 60% of the work environment

for lawyers in America.<sup>20</sup> Firms appear to cluster at 3-5 attorney partners, then 15-20 attorney partners, and then jump to large sized firms with 50 or more people employed. The small to mid-sized and large firms were the primary point of reference in the preceding section. These firms are generally considered desirable as less overtly competitive, stable, and welcoming. For a variety of factors, these firms may offer more of a mentoring or collegial atmosphere among attorneys.

*Large private firms.* The upper end of the large firm has exploded along with the birth of the global economy. Any number of large firms now have offices in several countries and time zones. This size firm may offer the benefit, discussed later in this paper, of dedicated human resource personnel, but may, on the downside, heighten internal competition and billing pressure.

The *non-profit legal organization* offers the newly admitted attorney the opportunity for immediate client contact, immediate hands-on legal work, and immediate access to a courtroom. These organizations tend to have high turn-over rates of newly and recently admitted attorneys, who gain valuable experience, only to go forward into more lucrative private firm environments, viewed from their perch as less demanding. These lawyers often carry caseloads exponentially higher than their private firm counterparts, with the endpoints of the narrative ranging from only one client in a large law firm in significant litigation to well over 50 pending cases per attorney in a non-profit office.

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<sup>20</sup> American Bar Association, "Lawyer Demographics: General." Accessed 01/03/2013 at [http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/Lawyer\\_Demographics.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/marketresearch/PublicDocuments/Lawyer_Demographics.authcheckdam.pdf).

*Government offices* range from very small to very large with variations accounted for in everything from a rural District Attorney's Office to an executive branch department in Washington, D.C. Government office lawyers can also span the range of those seeking immediate, direct experience with courtroom work on their way to private firm work to those who make a career of public service. Among the jobs in this category are judicial clerkships and the military. Here, one might expect to find a more robust Human Resources presence, especially due to federal and state compliance requirements.

Finally, note is made of attorneys in *academia*. Their situation is unique, and more closely resembles the challenges and opportunities of any professor in the American college and university setting. Without clients or courtroom obligations, billable hours don't exist. Notions of partnership tracks become issues of tenure tracks, and so forth. While academic employment represents a certain percentage of attorneys in America, it is mentioned here as a point of reference, but then not otherwise distinguished within this paper.

While these short descriptions are generalizations, there are some basic, widely accepted statements that appear generally to be accepted among practitioners. There may be greater opportunities for what would amount to standard business supports, like dedicated Human Resources Staff, in large private firms, government departments, and academic legal settings. And, the not-for-profit legal organizations, while offering lower pay, are generally viewed as the most emotionally supportive environments among co-workers.



## **Just What Supports are Available for Recent Law School Graduates and Newly Admitted Attorneys?**

The discussion thus far has identified numerous and different sources of stress at various stages of becoming an attorney, from law school, to bar examination, to places of employment.

At the academic level, one could reasonably expect that the typical law school would contain the hierarchy and resources of any graduate program. Among resource options, a law student could seek out a professor or another student. There may be medical or counseling services, a career development office, and similar support structures to what the law student experienced as an undergraduate student.

But, immediately upon graduation, the vast majority of the resources of the academic setting disappear. Unless a law school graduate has a job lined up, for at least a period of months, the new graduate has little to no readily accessible support network relative to his chosen profession. The recent graduate may have family and friends, and among those may be already-admitted attorneys. For our purposes, however, let's draw attention to those recent graduates who suddenly find themselves without the academic structure and are before the workplace structure. Throw on top of this environmental shift that they are now facing study for, taking, and awaiting results of the bar examination and the stress level of recent graduates can rapidly escalate without relief.

There are a few personal resources available to recent law school graduates, whether in or out of the law office setting. This pushes the lawyer to create an individual network or suffer, in keeping with the 'sink or swim' mentality of the legal profession.

One could argue that if the recent graduate does not have a job but at least joins a bar association, he will have access to some support resources. There are three tiers of bar associations: local (county), state, and national. Within each organization one can find specialized committees and, at some, hotlines for serious issues, such as drug and alcohol abuse. For example, the American Bar Association has a "Young Lawyers Division" to assist with the transition from law school to law office during the first five years of practice. It is the ABA's largest member group, and includes nearly 300 affiliated state and local young lawyers associations.<sup>21</sup> Another – very successful – approach has been taken by the Swedish Bar Association, which has offered free CLE in stress management and client psychology since 2006.

The more subtle resource for the recent graduate or new admittee is the continuing legal education program. All three tiers of bar organizations plus many private companies offer courses on all areas of legal practice, including ethics topics such as how to deal with difficult clients. At these sessions, lawyers are often heard to share problems, complaints, and practical advice both in the formal lecture format and informally during coffee breaks.

Some local grievance departments will also speak to attorneys about ethical quagmires, couching the con-

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<sup>21</sup> American Bar Association, Young Lawyers Division website at [http://www.americanbar.org/groups/young\\_lawyers.html](http://www.americanbar.org/groups/young_lawyers.html), accessed 01/02/2012.

versation in the hypothetical and talking through several possible outcomes. Such conversations are non-binding and do not insulate one from a future grievance or negative outcome.

Once hired and in an office environment, the newly graduated law student or newly admitted attorney might pick up additional resources to ease the transition.

Also, in some mid-size firms, large firms, non-profits, and government offices, newly admitted attorneys may have the benefit of being able to consult with non-attorney human resource specialists. In these employment settings, at least some difficult scenarios may already have been reduced to training manuals, employee handbooks, or standard operating procedures.

The other less obvious resource is that of the attorney support staff, who often bear the brunt of working on problems with recent graduates and newly admitted attorneys. With any luck, the newly admitted attorney finds himself to the most experienced support staff at the firm and forms a working relationship. Examples of this dynamic can include what to do with papers once drafted, including how to file them at county offices or get them served through a process server or constable.

## **Does the Current System of Law School, Law Firm, and Standard Resources Fail the Newly Admitted Attorney?**

Our position on this issue derives from working within the legal profession, the mental health profession, and relating to attorneys and staff in non-traditional formats, such as discussing how to reduce stress in the legal workplace and find meaning in the practice of law. We are squarely in the "yes – it's a failure of preparation and resources" response group.

While this White Paper is not designed to provide a research review, it is easy to reflect upon standard labor indicators such as job dissatisfaction, workplace cohesion, and research decrying the legal profession as the most stressful of all occupations. This research is readily available.<sup>22</sup> One such study gave insights into the nature of the disconnect, surveying more than 1,000 attorneys under 35 in Singapore and Hong Kong young lawyers considered themselves in the eyes of the firm to be "dispensable" and "replaceable," while their goals were "achievement, recognition, and information."<sup>23</sup>

There are also well-designed studies which verify that increased levels of stress related symptoms, such

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<sup>22</sup> See, for example, the resources listed at Appendix A to this White Paper.

<sup>23</sup> Cheng Shing Chow, "Retention of Young Lawyers in Singapore," *Law Gazette*, September 2006. {Accessed 12/30/2012 at [http://www.recruit-legal.com/Article\\_RL/Shing/Retention%20of%20Young%20Lawyers%20\(Singapore%20Law%20Gazette\)%20Sep%2006.pdf](http://www.recruit-legal.com/Article_RL/Shing/Retention%20of%20Young%20Lawyers%20(Singapore%20Law%20Gazette)%20Sep%2006.pdf).}

as depression and anxiety, are strongly linked with the law school experience and the precarious first years in lawyering.<sup>24</sup> Included among those references is a 2001 study that showed law students entered graduate school with well-being and mental health scores normal or above normal, which greatly declined by the end of the first year law school. "By April of the first of year law school, every measure of positive well-being (i.e., positive mood, self-actualization, life-satisfaction) had significantly decreased and every measure of negative well-being (i.e., physical symptoms, negative mood, depression) had significantly increased for these law students as group."<sup>25</sup>

And then there is something more subtle, wrapped inside the language of the profession itself. Is it "stress" or "competition?" Is it "challenging" or "unrealistic?" Consider some of the quotes from attorneys on the subject:

- "It is important to distinguish between clinical stress and depression and finding the job blooming hard."<sup>26</sup> – Alasdair Douglas, Chairman, City of London Law Society.
- "It's normal to feel stressed, you simply have to deal with it." – Monty Martin, The Sole Practitioners Group.<sup>27</sup>
- "The legal profession is a high-pressure environment and lawyers' pay reflects that. A degree of stress and

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<sup>24</sup> See, for example, Susan Daicoff, *Lawyer, know thyself: A review of empirical resource on attorney attributes bearing on professionalism*, *American University Law Review* (1997), pp. 1337-1427.

<sup>25</sup> Lawrence, S. Krieger & Kannon M. Sheldon, *Does Law School Change Law Students? Values, Motives, and Well-Being in a First Year Class* (unpublished manuscript, 2001).

<sup>26</sup> Grania Langdon-Down, "Shifting the burden: support for stress," *The Law Society Gazette*, June 21, 2012, accessed on 12/30/2012 at <http://www.lawgazette.co.uk/features/shifting-burden-support-stress>.

<sup>27</sup> Nicholas Murray, December 2, 1995, *supra*.

pressure is healthy.”<sup>28</sup> – Tony Williams, Principal, Jomati Consultants.

- “Students need to be realistic about what it takes to become a high-flyer in the legal profession or anywhere else in the City. The financial rewards are good. But advising on the best mandates requires tremendous commitment.”<sup>29</sup> – Simon Johnson, recruitment partner, Freshfields, Bruckhaus, Deringer (London).

The United States Center for Disease Control defines “job stress” as “...the harmful physical and emotional responses that occur when the requirements of the job do not match the capabilities, resources, or needs of the worker.”<sup>30</sup> The CDC immediately follows this definition with the simple truth: “Job stress can lead to poor health and even injury.”

Specifically, within the legal community there are various ways to measure the “failure” of the standard approach to education, admission, and early work. One approach is the individual narrative; another is the anecdotal compilation of data from service providers. And, still another approach is the scientific study, targeting points along the spectrum of law student to recently admitted attorney.

Dr. Ann Fingret, former president of the Society for Occupational Medicine and author of materials on man-

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**28** Derek Bedlow, “Bad timing,” *The Law Society Gazette* (March 8, 2007). Accessed 01/02/2013 at <http://www.lawgazette.co.uk/features/bad-timing>.

**29** Grania Langdon-Down, “Stress – Feature: Shifting the burden,” *The Law Society Gazette* (June 21, 2012). Accessed 01/02/2013 at <http://www.lawgazette.co.uk/features/shifting-burden-support-stress>.

**30** Center for Disease Control website, accessed 12/30/2012 at <http://www.cdc.gov/niosh/docs/99-101/>.

aging occupational health, defines stress as a situation where you are subjected to more pressure than you actually have the ability to deal with, and where it is not acceptable to confess that you cannot deal with it. She states, "I'm sure that's true for young solicitors. To put up your hand and say, 'I've worked too many hours and I need a break' is not on. You are just expected to do it."<sup>31</sup>

"Furthermore, exhibiting any anxiety in this arena would appear to fly in the face of the unrealistic expectations carved out by legal practitioners themselves," says Jacky Lewis, a psychotherapist and coach with a special interest in legal mentoring.<sup>32</sup>

Reasons associate lawyers stay or go from a particular law firm are not uncommon across various industries, and factors include work-life balance, training and mentoring opportunities, management practices, and work environment. A 2009 study by the National Association for Legal Career Professionals Foundation found an average of Fifty-Two Percent (52%) of new associates left their firms by the end of their fifth year and more than Twenty-Five Percent (25%) expressed a likelihood of leaving their current employer within two years.<sup>33</sup>

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**31** "Breaking points – an examination of the causes of stress on the high street and in the city, following a survey suggesting that solicitors were more stressed than any other professional, and a look at the help available," *The Law Society Gazette*, December 2, 1998, accessed 12/30/2012 at <http://www.lawgazette.co.uk/news/breaking-points-examination-causes-stress-high-street-and-city-following-a-survey-suggesting-so>.

**32** Jacky Lewis, "Stress and the legal profession," 149 *New Law Journal* 670 (1999). {No on-line version available as of 01/02/2013.}

**33** "After the JD II: Second Results from a National Study of Legal Careers," *The American Bar Foundation and The National Association of Legal Professionals Foundation for Law Career Research and Education*, 2009.

The challenge presented by these various forms of probative data is the theme that this process sets up a negative dynamic that persists throughout a lawyer's career. There is research to suggest that the negative effects of practicing law begin before a college student enters law school. There is research to support an argument that the law school and bar admission process actually transforms the person into a mold. Indeed, it is difficult to find anything positive in the narrative and research conducted on and by attorneys.



## Why Should Law Firms Get Involved in Creating a Bridge for Newly Admitted Attorneys?

Inevitably, the question arises in any organization: what is the return to the organization for its investment in its employees? In this case, the question is the rate of return to the law office for an investment in creating a bridge for its new associate attorneys?

The most persuasive argument for the law firm is that job stress impacts productivity. If we acknowledge the profit motivation within the law office hierarchy, the ability of the law firm to reduce job stress will increase the productivity of the newly admitted attorney and the firm. "Productivity" includes not only the ability to conduct work; it includes the ability to conduct accurate work.

In two studies focused on medication errors and malpractice claims in a hospital setting, the implementation of stress prevention activities resulted in a 50% - 70% reduction in workplace errors.<sup>34</sup> When firms allow associates to work hours on end without sleep, "Not only are they putting the health of their lawyers at risk, they could also be running the risk of serious errors being made, which can cost big money," says Barry Pritchard, Coordinator of SolCare, a support

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<sup>34</sup> Terry A. Beehr, Jeffrey T. Walsh, and Thomas D. Taber, "Relationships of stress to individually and organizationally valued states: Higher order needs as a moderator," *Journal of Applied Psychology*, Volume 61(1):41 (1976).

organization for solicitors with alcohol or drug problems.<sup>35</sup>

Attrition rates among associate attorneys at various size firms appear to average Twenty Percent (20%).<sup>36</sup>

Speaking in dollars and cents, law firms that create standardized processes to help recently admitted attorneys successfully integrate their careers and lives do so efficiently, lose less billable time among senior members of the firm, and suffer less attrition. Creating a strong cohesion within a law firm also reduces the recoupment costs of rehiring, and creates a stable, mid-level talent pool.

There are at least two economic models for measuring the "cost" of a new associate. In one model, the cost is measured by the investment necessary for a firm to recoup initial costs associated with hiring, training, and compensating the new associate. In the second model, the cost is measured by the separation loss of the new associate.

- i. In a study conducted in Canada, more than 1,400 lawyers participated in a survey, providing data that allowed a computation of the cost to a law firm for associate turnover every time an associate leaves. The cost was quantified to \$315,000, stated also in relative terms as twice the average associate's annual

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**35** Contact sponsoring bar organization. Robert Verkaik, "Law: Can't take the stress, M'Lud," *The Independent*, August 14, 1998, accessed 12/30/2012 at <http://www.independent.co.uk/arts-entertainment/law/cant-take-the-stress-mlud-1171550.html>.

**36** The National Association of Legal Professionals Foundation, "The Future of Law According to the Data," delivered at the American Bar Association Conference on Professional Responsibility (June 2, 2011), citing NALP Foundation data "Update on Associate Attrition 2011." Accessed 01/03/2013 at [http://www.americanbar.org/content/dam/aba/administrative/professional\\_responsibility/1\\_combined\\_session\\_documents.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/1_combined_session_documents.authcheckdam.pdf).

salary. The figure broke down into \$244,000 in investment costs and \$71,000 in separation costs. The data was collected in 2003.<sup>37</sup>

- ii. According to the Project for Attorney Retention, an initiative at UC Hastings College of the Law, attrition costs between 150% and 200% of the salary of each attorney lost.<sup>38</sup>

Continuing this list to include "soft" or "indirect" costs of turnover, not readily captured and quantified, include:

- lost productivity during the vacancy;
- diminished productivity of the team and managers who cover for the vacant position;
- diminished productivity of the team and managers who train the new hire;
- increased labor costs due to overtime or contractor needs;
- hiring and onboarding costs;
- decreased customer satisfaction;
- increased future turnover; and,
- loss of institutional knowledge.<sup>39</sup>

Ultimately, the conflict between the design of the hourly-rate law firm and the needs of the new

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**37** Catalyst, "Beyond a Reasonable Doubt: Building the Business Case for Flexibility," (March 16, 2005). Accessed 01/03/2013 at <http://www.catalyst.org/knowledge/beyond-reasonable-doubt-building-business-case-flexibility>.

**38** Project for Attorney Retention, Press Release, "D.C. Law Firms to Get Help Retaining Attorneys," June 1, 2000. Accessed 01/02/2013 at [http://www.attorneyretention.org/PressReleases/Jun\\_1\\_2000.shtml](http://www.attorneyretention.org/PressReleases/Jun_1_2000.shtml).

**39** "Driving the bottom line: improving retention," PriceWaterhouseCoopers – Saratoga (2006). Accessed on 01/02/2013 at [http://www.pwc.com/en\\_US/us/hr-saratoga/assets/saratoga-improving-retention.pdf](http://www.pwc.com/en_US/us/hr-saratoga/assets/saratoga-improving-retention.pdf).

associate attorney may be counter-productive to everyone involved. The "soft costs" of attrition have been cited to include disruption of client service and client relationships, upset to the collegial relationships within the firm, fostering cynicism and discouragement regarding the possibility of real work-family balance for those remaining at the firm, and promoting further attrition.<sup>40</sup>

As phrased by Trish McLellan, Coordinator for Scotland and Northern Ireland at LawCare, "...anyone with any business sense would say providing a supportive environment means you get the best out of your employees with lower staff turnover, fewer mistakes and fewer burn-outs."<sup>41</sup>

Even if we restrict our arguments to those that are strictly profit-oriented, it simply makes no sense for law firms to operate under the model that associate attorneys are expendable workhorses.

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40 "Facing the Grail: Confronting the Cost of Work-Family Imbalance," Report of the Boston Bar Association Task Force on Professional Challenges and Family Needs, 1999, p. 2. Accessed 01/02/2013 at <http://www.bostonbar.org/prs/reports/facingthegrail0699.pdf>.

41 Grania Langdon-Down, June 21, 2012, *supra*.

## **Connecting the Observations of the Status Quo to Enhance a Human Relations Understanding of How to Bridge the Gap from Law Student to Practicing Attorney**

Thus far, we have identified and grouped various stressors facing law students, recent graduates, and newly admitted attorneys, and we have noted stressors inherent to the process, as well as to the various employment settings. To now connect the dots between stressors will help us to further appreciate the depth of the problems that exist in the modern education and licensing of attorneys.

We use the term "Human Relations Staff" within this paper to mean a specifically designated employment relations specialist, and, more broadly, whoever within the law office setting has the official or unofficial role of working with employees when problems arise. Our general impression is that law firms, not differently than non-law business offices, will create a job description with formal designation for "Human Relations Staff" responsibilities at or over 30 persons. But it appears equally true that in every work dynamic, including small law practices, there will be someone to whom work-related issues will gravitate.

At the top of the list for easing the transition for newly admitted attorneys is a Human Relations Staff that is equipped with internal and external resources to manage the types of problems that are statistically prevalent among newly admitted attorneys.

The assumption we are making by focusing solutions through Human Resource Staff is that there are limited opportunities to address the root causes of stress for new associate attorneys. We are assuming that Human Resource Staff will not have the ability to make systemic changes to law schools, the bar admission process, the practice of law, or even the structure of the law firm.

Our goal, instead, is to provide insight into the system through which the new associate passes to end up at the law office, so that law office policies and procedures can be adopted to identify and respond to the young associate in distress. If we say that "prevention" of stress at work would require both organizational change plus stress management to achieve a healthy workplace, we are expressly assuming that the ability of the Human Resources Staff is limited to bring about organizational change within the law office, but has capacity to address stress management.

## **Identifying Those in Need of Help**

The complex problem for the law firm on how to best help new associates is compounded by the reluctance of those who might need help in coming forward. There are several, different aspects of why identifying those in need of help and actually delivering help can be particularly difficult within the legal profession – a problem that is only compounded when we speak of the recent graduate and the new admittee.

From one angle, law students who pass the bar examination and gain a license to practice law can be characterized as high achievers and high performers. To many an observer, a law student in distress can appear to be

just having a 'bad day' because their functioning level is still above the norm. It can be more difficult even for the student, recent graduate, or newly admitted attorney to self-recognize that there is a problem that is something more than a vague discomfort that they need to 'shake it off.'

From another perspective, those who seek to become attorneys are schooled and tested and ranked on their ability to solve other peoples' problems. There is little to no reflection in the curriculum of law students on the difficulties in assessing one's own problems and/or on the importance of self-initiating a question to another professional, whether legal, medical, or mental health, in order to gain the kind of assistance early that could make a difference.

And, in yet another spin, recent graduates and newly admitted attorneys fear that an admission of a need for help could have a negative impact upon their career prospects.

One British organization, LawCare, provides support and advice for lawyers, including running hotlines, offering free presentations, and compiling data. Of the 549 cases LawCare opened in 2009, 410 related to stress, 47 to clinical depression, 32 to alcoholism, 3 to illegal drugs, 57 to eating disorders, panic attacks, obsessive compulsive disorder and other issues.<sup>42</sup>

As stated by Chief Executive of LawCare, Hilary Tilby, "Many lawyers are afraid to acknowledge stress because of the impact it could have on their career path towards

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<sup>42</sup> Jonathan Rayner, "LawCare helpline sees surge in solicitor calls," *The Law Society Gazette*, January 21, 2010, accessed 12/30/2012 at <http://www.lawgazette.co.uk/news/lawcare-helpline-sees-surge-solicitor-calls>.

partnership or the judiciary.”<sup>43</sup> In another remark, Ms. Tilly said, “Lawyers spend their lives solving other peoples’ problems, and so they feel they should be able to solve their own. They beat themselves up for being inadequate, when in fact they are just human.”<sup>44</sup>

Another professional phrased it this way: “Many people have difficulties in making known their needs to those around them. An employee who finds problems in communicating with colleagues and clients can feel very much alone. We are anxious to fulfill our role to the best of our ability in an environment that, at very least makes heavy demands on us, and at worst is hostile to us. However, the legal workplace is one that often cannot spare the time or resources to offer the support to trainee and newly qualified solicitors that they need. This would appear to be the paradox in the current legal profession.”<sup>45</sup>

## **Establishing Credibility with Those Who Need Help**

Another level of the problem is establishing credibility with those who may need help. For many reasons, the ascent to the office marked “Associate” is one that creates a class distinction between lawyers and non-lawyers. The distinction is reinforced in everything from the uniform of dress to the hours worked to the billing requirements. Law offices are not designed to create a collegial envi-

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<sup>43</sup> Jonathan Rayner, “Stress among solicitors remains ‘high’,” *The Law Society Gazette*, May 19, 2011, accessed 12/30/2012 at <http://www.lawgazette.co.uk/news/stress-among-solicitors-039still-high039>.

<sup>44</sup> “Distress signals,” *The Law Society Gazette*, May 21, 2004, accessed 12/30/2012 at <http://www.lawgazette.co.uk/news/distress-signals>.

<sup>45</sup> Jacky Lewis, “Stress and the legal profession,” *New Law Journal*, May 7, 1999.



ronment; they are designed as a power structure geared to the senior partner's corner suite on an upper floor.

So, while it may be that the responsibility falls to Human Resource Staff to speak with the new associate, it is a talk that may fall upon deaf ears. This may be true even if the Human Resource Staff is well-versed on the nature of the legal system, including nuances of bench-bar relationships, partner-associate structure, when and how deadlines can be extended, and how to effectively manage time.

Unless the designated Human Resource Staff is a licensed, practicing attorney, the Human Resource Staff will need a supervising attorney. The liaison attorney may be needed for direct interaction as a larger situation is unfolding or to review a smaller (resolving) matter. For the law firm, there is an element of logic to this need from a liability perspective. Both the needs of the law office and the needs of the associate for greater resource coincide in this regard.

Progressive programs offered at law firms includes in-house stress and self-management training developed specifically for lawyers, which has been implemented for instance at *Lindahl* (Sweden). One firm appears to set the example in making a big change: *Alleman Hall McCoy Russell & Tuttle LLP* (Portland Oregon) limit the number of hours a partner can work in a year as part of the firm's partnership agreement.<sup>46</sup>

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46 Christina Williams, *Oregon Business*, *supra*.

## **Setting Policies and Procedures to Set the Tone for Human Resource Staff Training and Intervention**

Each law office would benefit from a written policy and accompanying operating procedure on how to report and respond to these types of issues, particularly among newly admitted attorneys. The policy aspect could be as simple as a statement that someone can self-identify a need for help with confidentiality and without recrimination. It can also extend to a colleague identifying concerns to the designated Human Resources Staff, so that an appropriate response could be formulated. And, it could take the form of an anonymous hotline, affording everyone from new hires to their seasons mentors an opportunity to voice a concern without fear of reprisal.

The procedural aspect is one that could set out a series of steps of increasing intervention to be undertaken to ensure that the newly admitted attorneys gains access to necessary resources. In crafting the procedure, Human Resource Staff should operate on the assumption that the newly admitted attorney does not have knowledge of resources and/or has not developed sufficient breadth and depth of resources to self-direct to those resources, even if known.

## **Making Various Resources Available**

A basic resource grid can also be developed in writing to provide to the newly admitted attorney as soon as he enters the law office. It can be a handout that highlights common signs and symptoms for which intervention may be appropriate, along with a page listing resources, including telephone numbers, hot lines, and websites. Care should be taken that contact information is routinely

reviewed to be current, and circulated throughout the newly admitted attorney pool whenever change is noted.

The information can be as straightforward as listing the commonly accepted early warning signs of job stress:

- headache;
- sleep disturbances;
- difficulty in concentrating;
- short temper;
- upset stomach;
- job dissatisfaction; and,
- low morale.<sup>47</sup>

A law office can also consider information about the health-related problems associated with work stress, and ask its associates to discuss these widely-discussed types of conditions, should they arise:

- cardiovascular disease;
- musculoskeletal disorders; and,
- psychological disorders.<sup>48</sup>

Essential coping resources can be found at local, state, and national bar associations. In more rural counties, Human Resource Staff might partner with bar associations in larger counties, in the event that local resources are not provided.

Other ideas for an approach are to include the names and contact information of licensed mental health professionals who are covered under the law firm health insurance plan. Another approach might be for the firm to offer a program of free counseling upon physician referral or to compensate for co-payments. The goal in this approach would be to reduce or eliminate financial barriers to access to services from mental health professionals.

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<sup>47</sup> CDC website, *supra* at <http://www.cdc.gov/niosh/docs/99-101/>.

<sup>48</sup> CDC website, *id.*, at <http://www.cdc.gov/niosh/docs/99-101/>.

## Including Training within Orientation Geared to the Issue

Part of how any business signals commitment to a particular topic is the training it provides to its employees. If a law office has the policy, has the procedure, and has the resources, then a non-targeted and non-confrontational way to introduce those resources to the newly hired attorney is through a training session. Amidst the training on legal principles and law firm operations, time should be made to introduce the new attorney to stress as an actual subject worthy of discussion.

One American Bar Association management article captured the narrative of Ellen Freedman, CLM, a consultant hired to a law firm with a 67% staff turnover rate, which she was able to decrease that rate to only 4% through the use of training and orientation.<sup>49</sup> This good practices concept can be adopted for new associates with the modification of creating either a single session or a series on stress and/or on the broader aspects of transitioning into the practice of law after the series of stresses of law school and bar admission.

## Taking the Initiative by Designating a Mentor

An important dimension to the question of Human Resource Staff response to recent associate attorneys needs to be a personal connection. Studies of law firms the world over are reflective of the unmet need for personal attention in a system that rewards billing on client

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<sup>49</sup> Ellen Freedman, "How Not to be a Staff Nightmare: Avoiding Turnover Syndrome," *Law Practice Today*, American Bar Association (September 2008). Accessed on 01/02/2013 at <http://apps.americanbar.org/lpm/lpt/articles/mgt09081.shtml>.

files over building personal relationships within the firm. The law office model being much like a blowfish, it can tend to puff itself up with spines attaching to various clients, without any additional internal build other than air.

A mentoring program can readily be set up within a law office environment, particularly because the existing structure already revolves around notions of senior partners and junior associates. The law firm structure may also have a number of "of counsel" attorneys or retired attorneys with a natural inclination to serve in the role of a mentor.

A firm can set up a formal mentoring program for new associates that creates a predictable inter-change, thereby creating a ready forum for the new associate to promptly articulate any concerns that may be simmering. Periodic contact also offers the advantage that the mentor may be in a position to recognize early any signs of elevated stress or dysfunction for which intervention might be appropriate.

One Portland, Oregon law firm with nearly 400 attorneys operating out of 11 offices, *Stoel Rives LLP*, set up a mentoring program that includes two lunches per month. Barbara Nay, a partner who was active in setting up the program listed this as one of several ways the firm is trying to bridge the gap for new associates.<sup>50</sup> The firm has a "Coaching and Mentoring Committee."<sup>51</sup>

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**50** Christina Williams, "Bridging the gap: Work-life balance is key for the next generation of lawyers," *Oregon Business* (July 2007). Accessed 01/02/2013 at <http://www.oregonbusiness.com/articles/36/793>.

**51** Stoel Rives LLP website, accessed 01/02/2013 at <http://www.stoel.com/showbio.aspx?Show=1108>.

## Conclusion

The steep decline into the position of distress of the newly minted associate attorney starts as early as law school and amplifies in the pivots between law school, bar exam review, bar exam, locating employment, and embarking into the profession. Studies and commentaries abound on the level of stress and associated ill health effects created during this period, but not enough is being done to help these workers. Likewise, there is ample numeric data to make the case that the ill effects of mismanaged stress in new associates costs law firms money and potentially expose them to liability. Even so, and while law firms are businesses, they have emerged and remain rigid institutions with little or no internal support for new associates.

It is possible to address these symptoms of mismanagement through an active approach to bridging the gap between law school and law firm. The remedies begin with identifying those in need of help, whether through direct reporting or an anonymous hotline. It continues when the designated staff person knows about and has access to intervention techniques and resources, along with company policies, supervising attorneys, and a supportive law firm culture. The law firm can cultivate and nurture an office culture is respectful and inviting beginning with its training materials for new associates.

When one considers that the practice of law is heavily dependent upon one's ability to think with clarity and mindfulness, it appears to be an open-and-shut case that

law firms should provide support services for recent law school graduates and newly admitted attorneys. When one's own needs are met, one is then put into the best position to meet the needs of others in a professional and profitable manner.

## Appendix A

### 'What I Would Read if I Were in Your Shoes' for Graduating Law Students and New Lawyers

from *Psychologist* Jens Nasstrom

*The Illinois Survival Guide: Best Practices for New Lawyers*,  
John H. Maville and Heather M. Fritsch, American Bar  
Association (2010).

*The Practical Guide for New Lawyers*, BookSurge (2010).  
{#1 pick among resources.}

*Mindfulness for Law Students*, Scott L. Rogers, Mindful  
Living Press (2009).

*The New Lawyer's Handbook: 101 Things They Don't Teach  
You in Law School*, Karen Thalacker, Sphinx Publishing  
(2009).

*Your Billable Life: A Law Firm Survival Guide for New  
Attorneys*, Bruce Dravis, Kaplan Publishing (2008).

*Jagged Rocks of Wisdom: Professional Advice for the New  
Attorney*, Morten Lund, Fine Print Press (2007).

*Stress Management for Lawyers: How to increase personal  
& professional satisfaction in the law (Third Edition)*,  
Amiram Elwork, Ph.D., The Vorkell Group (2007).



*The Curmudgeon's Guide to Practicing Law*, Mark Herrmann, American Bar Association (2006). {#2 pick among resources.}

*Lawyer, Know Thyself: A Psychological Analysis of Personality Strengths and Weaknesses*, Susan Swaim Daicoff, American Psychological Association (2006).

*The Lawyer's Myth: Reviving Ideals in the Legal Profession*, Walter Bennett, University of Chicago Press (2001).

*In the Interests of Justice: Reforming the Legal Profession*, Deborah L. Rhode, Oxford University Press (2000).

*What Law School Doesn't Teach You: But You Really Need to Know*, Kimm Alayne Walton, J.D., Harcourt Legal & Professional Publications, Inc. (2000).

*A Young Lawyer's Jungle Book: A Survival Guide*, Thane Josef Messinger, Fine Print Press (1999, Second Edition).

Amiram Elwork and G. Andrew H. Benjamin, "Lawyers in Distress," 23 *Psychiatry & Law* 205 (1995).

## Appendix B

### A Random – but Useful – Group of Tips for Graduating Law Students and New Lawyers

from *Psychologist* Jens Nasstrom

1. Make sure you beef up your softer skills, which will enable you to work more effectively, optimize your rest and recovery, and function more smoothly within the organization.
2. **Presentation skills.** It's important to know not only how to create and conduct PowerPoint presentations, but also to brief the status and findings of your work to a colleague or a superior in a clear and coherent manner.
3. **Organization of work.** Time management, planning & prioritizing – I recommend "The Six Minute Lawyer" by Gregory Lois, which is a crash course of a lawyer adapted version of "Getting Things Done." For organization of your physical workspace, the definitive book is "The Organized Lawyer" by Kelly Lynn Anders.
4. Learn a method for **unwinding and relaxing.** A good book is "The Relaxation and Stress Reduction Workbook" by authors Martha Davis, Elizabeth Robbins Eshelman, and Matthew McKay. More lawyers than you might think regularly use yoga, qigong, or some version of mindfulness such as Corporate Based Mindfulness Training™ which is optimal since it

teaches how to keeping focus while decreasing stress and tension in performing tasks.

5. If **corporate** lawyer: learn basic finance, accounting, and Excel.
6. If **family** law lawyer: learn client psychology.
7. **Project management.**
8. If you have any serious weaknesses in any of the above points, take a **course** or get a **coach**. Don't avoid it. That investment will serve you well for many years.
9. **Find a mentor.**
10. **Keep talking** to your life partner about your work, what is expected of you, etc. Have a retreat once or twice per year, such as a trip to a spa for half a day, a weekend or whatever you can pull off. Sit down and listen to your partner and see where s/he is, and how s/he is doing – and where you as a couple are, and how you are doing together.
11. **Keep exploring** yourself. Where are your strengths? Where are your weaknesses? Are there areas of practice, tasks etc. that you should avoid – or seek out? When things go wrong, make an "autopsy" and make sure you minimize the risk of it happening again.
12. When applying to a law firm, consider not only their **policies** regarding work-life balance but also the actual implementation of said policies. Do they walk the talk? What concrete measures have been taken in the past few years to address the challenges that new lawyers face? What is the ratio of men/women among partners compared to other, similar law firms

in the area? (A relatively high representation of women partners may indicate a progressive approach to Human Resources on the firm, and an above average chance of being able to juggle a successful career and family life.)

13. Further reading:

- a. *The Practical Guide for New Lawyers – Winning Strategies for Winning Times*, Steven Hartz, Book-Surge (2010).
- b. *The Happy Lawyer – Making a Good Life in the Law*, Nancy Levit and Douglas O. Linder, Oxford University Press (2010).
- c. *The Curmudgeon’s Guide to Practicing Law*, Mark Herrmann, American Bar Association (2006).

## Appendix C

### Recommendations for Senior Lawyers to Help Graduating Law Students and New Lawyers

from *Psychologist* Jens Nasstrom

1. Implement a thorough introductory program. Evaluate and improve annually.
2. Workshops to follow up the introductory program, with specific focus on the new lawyers.
3. Mentoring. In my surveys of law firms, I have found that many young lawyers not only ask for mentoring, but also for higher competence in mentorship. While most senior lawyers are quite capable of sharing hard-earned wisdom, guidance, and feedback, systemized learning ensures that the time spent mentoring reaps maximum reward. Making sure that the mentors in the firm have gotten some training is not a luxurious extra plus; it is an investment with ROI. A summary of such a program by Susan Manch can be found here: [http://www.theshannongroupinc.com/publications/mentoring\\_program\\_makeover.pdf](http://www.theshannongroupinc.com/publications/mentoring_program_makeover.pdf) (also published in *The Legal Times*, November 4, 1997).
4. Standardization of the procedures, in particular regarding delegation. Although difficult in many firms, getting all partners to follow the minimum requirements to delegate fairly can save a lot of stress and ineffective efforts to telepathically figure out what the assigned task really entails. Case in point is "tox-

ic delegation," meaning the vicious combination of insufficient instructions and the unavailability of the delegator for clarification. Indeed, erratic delegations is a major issue at all levels in many law firms but are particularly devastating when the flaws appear in the first link in the chain of command of a project. Training in effective delegation is imperative on all levels in the hierarchy. Difficult to implement? Yes. Worthwhile? Yes!

5. Measure staff turnover of new lawyers; evaluate in light of industry statistics and comparable law firms. Compile the necessary statistics to be able to create a retrospective baseline of the turnover. Calculate cost of such turnover. Dress the issue in figures when discussing it with management.
6. Review policies, examine implementation, and analyze outcome.

## Appendix D

### Advice for Law Schools Willing to Help Graduating Law Students and New Lawyers

from *Psychologist* Jens Nasstrom

1. Set up mentoring programs for law students. A detailed outline of such an undertaking for a law school is presented in "The Lawyer's Myth" by Walter Bennett ("A Model for Mentoring Program for Law Students", p. 203-210).
2. Offer classes on career satisfaction and "happy lawyering." In one review of almost two hundred ABA-approved law schools, only six did so.<sup>52</sup>

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<sup>52</sup> Levit, Nancy and Linder, Douglas O, *The Happy Lawyer – Making a Good Life in the Law*, Oxford University Press (2010).

## Appendix E

### Thoughts for Bar Associations Wanting to Assist Graduating Law Students and New Lawyers

from *Psychologist* Jens Nasstrom

1. Encourage or sponsor research on this topic.
2. Develop/fund CLE courses targeted specifically to the needs of young lawyers, and offer them at discount.
3. Make work coaching (and maybe mentoring) count towards CLE credit.
4. Set up mentoring programs for young lawyers. A detailed outline of such an undertaking for a bar association is presented in "The Lawyer's Myth" by Walter Bennett ("A Model for Mentoring Program for Young Lawyers," pp. 195-202, and "Duties of State-wide Mentoring Coordinator," pp. 211-212).









