The Practice of Law and Quality of Life

Can you have it all when you have an omnivorous job? This article looks at some of the quality-of-life issues that lawyers wrestle with and how failing to strike a balance has, for an increasing number of lawyers, lead to dissatisfaction with their careers.

Time and money, the endless trade-off. If you have much of one, you likely lack much of the other. Nowhere is this age-old dilemma more evident than in the practice of law.

As the profession has evolved into a business and legal problems have become more complex, the effort required to be a lawyer has increased dramatically. Twenty years ago, lawyers made a good living, were active in civic and charitable activities, and maintained personal lives. Now achieving any balance among those three competing interests is at best challenging and at worst prompting good lawyers to seek alternative careers.

Most of the negative consequences are seen in private practice. As the quest for clients has become more competitive, both associates and partners have suffered. Partners are expected to bill seven or eight hours per day and still find time to market their practices to existing and potential clients. This is not to mention attending partnership meetings, preparing client bills, recruiting new lawyers, evaluating associates, and planning and managing for the firm’s future.

Associates fare no better. In the mid-1980s, the dramatic rise in associate salaries was paid for by increasing the number of hours associates were expected to work. Firms needed to generate income from associates as quickly and as much as possible to cover the cost of their inflated salaries. As the brass ring of partnership has become more elusive, the pressure to develop business has trickled down to the associate ranks. Billing 1,800 to 2,000 hours per year and being a good lawyer are no longer enough to assure a young lawyer of partnership status. Now one must demonstrate “rainmaking” ability too.

All this time and energy directed to billing hours and developing business leaves little opportunity for lawyers to enjoy some of the important benefits of being a professional. Camaraderie and civility have declined. As the number of lawyers has increased, practitioners not only do not know their opponents, they often do not know their own partners now located in multiple offices worldwide.

Mentoring, the process through which a smart, legally educated person becomes an able, effective, mature lawyer has begun to disappear. It is being replaced with sometimes vicious office politics that can affect partnership prospects as much, or more, as a lawyer’s skill.
Obviously, the practice of law and all it requires has left little time for any outside activities. If the firm does not encourage and recognize pro bono work in a significant way, there is little practical incentive for partners or associates to do it. Civic and charitable activities, when undertaken, are likely to be chosen more for their ability to enhance a lawyer’s business development plans than the societal good that might be accomplished or even the lawyer’s own enjoyment.

And what about a personal life? As practice has become more national and international, extensive travel has become common. Whether it’s a 2-hour drive to the next county or a 10-hour overseas flight, traveling means less time for family and friends. Even otherwise content lawyers complain about the lack of time they have with their children. Parents often work part-time to reduce their schedule to a normal level and avoid having years when their billables crest 2,100 hours. At least one single lawyer decided to work a reduced schedule to have more time and energy just to date.

All these demands collectively have created a substantial proportion of lawyers who are dissatisfied with their jobs and the profession. The problem has become so acute that the American Bar Association’s Young Lawyers Division. These surveys, called the National Surveys of Career Satisfaction/Dissatisfaction, are compared and analyzed by Ronald L. Hirsch in the report entitled The State of the Legal Profession.

The problem is summarized in a companion report, At the Breaking Point, A National Conference on the Emerging Crisis in the Quality of Lawyers’ Health and Lives-Its Impact on Law Firms and Client Services (page 29): "There is a growing trend in the legal profession that, left unchecked, threatens the well-being of all lawyers and firms in every part of the country."

Clearly, in the six years from 1984 to 1990, the extent of lawyer dissatisfaction has increased throughout the legal profession. This dissatisfaction is now reported in significant numbers by lawyers of all ages and experience, male and female, associates and partners, solo practitioners and members of our largest firms. "This increased dissatisfaction is caused directly by a deterioration of the lawyer workplace. In particular, the amount of time lawyers have for themselves and their families has become an issue of major concern for many lawyers," At the Breaking Point reports (page 28).

The good news is that in 1984 and in 1990 the survey indicated that the majority of both male and female attorneys are indeed satisfied with their overall jobs in the legal field. Also, the rising dissatisfaction among attorneys does not appear to be causing a mass exodus from the profession. The survey results indicate that only 2 to 3 percent of the surveyed attorneys plan to leave the profession within the next few years.

Unfortunately, the data also reflects some less than ideal phenomena: that the increase in hours worked and the resulting decrease in available personal time have become a major problem; that the status and acceptance of women has only minimally improved in the intervening six years from 1984 to 1990; and that the legal profession has become a less pleasant place to work.

Despite popular belief, junior associates are not the only attorneys reflecting dissatisfaction. A comparison of the 1984 and 1990 data indicates that increases in dissatisfaction occurred at all seniority levels within firms, with only a minimal increase in the dissatisfaction level reported by junior associates. In addition, and equally important, the problem of job dissatisfaction is having an impact on law firms of all sizes.

Not surprisingly, the data reveals that the most important factor for overall job satisfaction is intellectual challenge. However, the primary cause of dissatisfaction is the work environment. Political intrigue and the lack of time for other pursuits have not only created dissatisfied lawyers but have contributed to their significant increase.

Contrary to the belief of many people, lawyers’ salaries are far from astronomical. The median income for lawyers in 1989, based upon the survey results, was $65,000. The median income for a junior associate in 1989 was $43,000. Even for the wealthy elite, money does not buy happiness. Other similar studies conducted by state bar associations show that satisfaction does not increase with income.

The ABA surveys indicate that women are more likely to be dissatisfied with the practice of law than men. Women experience less of the positive factors and more of the negative factors in the work environment and are generally paid less than their male counterparts. The chart on the next page shows salaries (after the deduction of business expenses but before tax and other deductions) of men and women attorneys in 1989.

In response to the 1990 survey, 71 percent of all men and 84 percent of all women indicated that they "frequently feel fatigued or worn out by the end of the work day." Also, the 1990 survey reveals that 17 percent of lawyers are unhappy with their marriages, as opposed to only 11 percent from the 1984 survey.
The American Bar Association Young Lawyers Division and state and local bar associations are taking steps to address the increased dissatisfaction among lawyers. The ABA conducted a national conference in April of 1991, in which law firms from around the country analyzed quality of life problems and discussed solutions to these problems. This national conference proved so successful that the ABA Young Lawyers Division has encouraged state and local bar associations to conduct similar quality of life conferences in their communities. In addition, the ABA publishes material on a wide range of pertinent issues—from using computers more efficiently (which creates more free time for the attorney) to suggestions for adopting maternity and paternity leave policies.

The dialogue about these problems is well under way and is the first step in any meaningful, long-term change. However, the change is likely to be primitively slow, and you have to decide whether to enter the profession as it is likely to exist three or four years later. There are some encouraging signs. Billable hour requirements for associates seem to have stabilized at about 2,000 hours. After all, time is not a limitless commodity.

More law firms are creating positions that resemble corporate middle-managers. Although the names vary—non-equity partner, counsel, of counsel, special counsel, permanent associate, senior lawyer—the idea is to create tenure for good lawyers who have not yet developed business. These lawyers lack ownership interests, but they also lack requirements to spend several hundred hours marketing the practice.

Some firms are adopting part-time or reduced schedule opportunities. Unfortunately, many of these policies are designed only to permit women to raise children and can be used only for brief periods. Sometimes the part-time work period provides the lawyer with no credit toward partnership.

There are some choices lawyers can make that will affect quality of life. Like doctors who choose dermatology rather than surgery, lawyers who choose a specialty not prone to emergencies can sometimes achieve a more manageable existence. For example, litigation will always have its share of last-minute crises. Tax is less susceptible to such an unpredictable schedule.

The practice setting you choose can make a difference. There are many positions in government agencies and corporations in which lawyers are able to keep regular hours. Although lawyering is never a 9-to-5 job, many of these lawyers have reasonably normal lives compared to their colleagues in private practice. Beware of the exceptions and the less hefty salaries. You may also be able to find a small firm where the lawyers are committed to having personal lives and manage their practice accordingly.

When you are a beginning lawyer in your mid-twenties excited about practice in whatever form you choose, you may not spend much time pondering your quality of life. If you discover you are a workaholic who "loves the law," practice may provide exactly the quality of life you want. After a few years of practice, however, many of you may long for more than the next deposition or the next opinion letter.