

The Conveyor Belt: What Makes a Lawyer in 2017

By Isabella Vecchio

Lengthy litigations. Long liquid lunches. Seven figure salaries. Aggressive arguments.

Whilst those features may be associated with your typical twenty-first century lawyer, they are more attributions of legal careers past rather than accurate indicia of the status quo. Although lawyers at the tops of their fields may have historically reaped the benefits of some, if not all, of those indulgences, the legal industry is no longer so charitable. Court time is valuable and the judiciary exercise an almost hypervigilance to expedite proceedings.¹ Attempts of solicitors and barristers to inflate costs are not entertained by the Courts. Corporate client hip pockets have become more conscious. A budget-friendly legal service is preferential to being wined and dined by counsel. Clients who were previously recipients of a firm's practised paternalism are torn between competing loyalties to their financial bottom line and historic firm fidelity. What makes a lawyer in 2017, or what makes a great lawyer in 2017, is best demonstrated through the three key stages of a lifetime lawyer's career: graduate, lawyer and partner.

Law School. Admission. Employment. Profit.

Founded in the sound advice of Maria von Trapp, the beginning is a very good place to start. It is impossible, and illogical, to consider what makes a lawyer without considering their vocational beginning. The legal industry faces new challenges: more graduates than jobs, more settlements than litigations. What such challenges mean for your humble law student is that they must consider the most effective way to launch their career; they cannot restrict themselves to thinking a law degree is mutually exclusive with practising law. Law school no longer operates as the back-up plan it once was. For generations, law school was a psychological contingency for people who were ambitious and intellectually minded. It was a fail-safe mechanism to secure upper-middle-class respectability.² With graduate oversupply and market shrinkage, that security has changed. Law school is no longer a back-up plan, but the end goal; and an expensive one at that.

One of the biggest issues facing graduates is a tunnel-visioned focus on top-tier firms, where only the top-performing or well-connected students end up. What this presents however, is the chance for opportunity-focused students to think outside the Court room and differentiate themselves. Good grades are not enough. Law students must consider and indulge their other interests, and be willing to accept any employment opportunity. Assertiveness is a valuable characteristic, but shares a fine border with arrogance. Very few graduates start out their careers in their dream job. The ones who ultimately get there have not been afraid to work their way up. **Step 1: be guided by opportunity.**

Suits. The Good Wife. Legally Blonde. Boston Legal.

Another issue facing the legal industry is its 'glamourised' status, courtesy of Hollywood. Fictionals like Harvey Specter and Alicia Florrick frame the legal industry as a sexualised and sensationalised vocation, where minimal work and sheer luck allow its participants to bank seven figures a year. This 'Hollywood' idealisation of the roles of solicitor and barrister have created an entirely ill-conceived perception about the legal profession, and, arguably, attract people for the wrong reasons. Boston Legal's Alan Shore and Suits' Lewis Litt are both brilliant and successful lawyers. However both do not hesitate to skirt the rules of moral acceptability using tactics of blackmail and bribery. They present a 'win at all costs' demeanour and do not

¹ *Uniform Civil Procedure Rules 1999* (Qld), r 5.

² Scheiber, N. (2013, June 22). The Last Days of Big Law. *The New Republic*. Retrieved from: <https://newrepublic.com>.

let professional and moral ethical standards interfere with the end goal. This dramatisation of legal life fosters an unrealistic and unethical perception of lawyers. Fresh starters often inspired to study law by these screen perceptions are doing so on misguided professional pretences. Above all, a lawyer's paramount duty remains to the Court and administration of justice.³ The Hollywood effect undermines principles of legal ethics. It is more important than ever for law students to receive practical training and experience to understand what being a firm-based lawyer involves. Spending your night with a copious amount of paperwork and greasy take out at your workstation is more likely than sharing a boozy degustation dinner with attractive opposing counsel. What makes a great young lawyer is knowing your professional and ethical duties, and being guided by your moral compass. Graduate lawyers should understand the most dramatic encounter of their day is likely to be on the receiving end of a Supreme Court judicial outburst (read: adequately prepare for Court) or competing for printer time with colleagues. George Street Brisbane is not New York Fashion Week, the judiciary have minimal tolerance for incompetence and a promotion prompted by an office affair is not illustrious, nor a sure-fire way to collegiate respect. **Step 2: be realistic.**

Solicitor. Senior Associate. Special Counsel. World Domination.

Those who have navigated the minefield of law school, practical legal training and the corresponding graduate years are obviously committed to a long-term legal career. Either that, or their exercising a great degree of professional tolerance. This stage of one's career is the rifest with professional pressures: networking, raising a family and the inescapable burden of 6 minute billables. In the United States, a typical law student's post-university loan debt averages over US\$140,000. In Australia, while not quite so extravagant, the average annual fees total AUD\$10,000.⁴ For a 4 year straight-law undergraduate degree, that total is a tidy house deposit. Competing pressures of repaying student debt, continuing professional education, meeting billing targets, networking, bringing in business, being promoted, managing mental health, maintaining social contact and taking (and enjoying) vacation, are a lot vying for a lawyer's attention. Firms that operate on billable hours regimes often create a culture of competitiveness, with billing featuring in the minds of lawyers as much more significant than it really is. Professional gossip and vanity can force lawyers to work longer, not smarter. It is still yet to be apparent how the shift to open-plan affects the condition of workplace competition (in the past 5 years, the Brisbane offices of top-tier firms Herbert Smith Freehills and Allens have publicly shifted to an open-plan workplace). The concept of the billable unit often becomes "the prism through which other pressures are refracted and magnified."⁵ It is likely that more public workstations would abrogate this prismatic struggle.

Tunnel vision is a big challenge facing this demographic. Focusing on work to the exclusion of all else is unsustainable. Meeting all professional and personal targets is equally as improbable. Anyone who has ever had an opinion will know that it is impossible to please everyone, particularly in a situation where one is dealing with lawyers. Being a great lawyer, and being a respected lawyer, at any level of this stage, requires communication. If a deadline is unable to be reached: tell your supervisor. If a client is not playing ball: ask for help. If you are not seeing eye to eye with a colleague: be willing to compromise. Not every area is able to be a lawyer's area of expertise. Too often young, focussed and egotistical lawyers view asking for help as a sign of weakness. In addition to that, irrespective of one's professional pre-occupations, life happens. Disaster strikes, people get sick, timeframes need to be revised. Keeping people informed is the best way to stay afloat, but also to ensure confrontation is avoided. As a further benefit, it sets the great example for fresh-starters that they are not alone in what can be a harsh work environment. **Step 3: communicate openly.**

³ Queensland Law Society. (2012). *Australian Solicitors Conduct Rules*. Rule 3.1.

⁴ Pash, C. (2014, June 2). The Cost Of Getting A University Degree In Australia Is About To Change: Here's What You Need To Know. *Business Insider*. Retrieved from: www.businessinsider.com.au.

⁵ Parker, C and Ruschena, D. (2011). The Pressures Of Billable Hours: Lessons From A Survey Of Billing Practices Inside Law Firms. *University Of St Thomas Law Journal*, Vol 9(2), p 622. Retrieved from <https://ssrn.com/abstract=1790082>.

Partnership. Team player. Business case. Name plate.

The top. Being kissed by management and being transformed from a frog into legal royalty. While recognition through partnership is often the biggest milestone in a lawyer's career, it, like anything, can be fickle and challenging. As written by Noam Scheiber, "*Of all the occupational golden ages to come and go in the twentieth century—for doctors, journalists, ad-men, autoworkers—none lasted longer, felt cushier, and was all in all more golden than the reign of the law partner.*"⁶ Partnership means a generous pay-packet, collegiate esteem and the luxury of selecting and delegating work. Historically, partnership meant stability. Now, a horse's house often is more stable than a place at the top of the legal tree. Large US firms have closed their doors, Australian firms have merged with US and European allies in attempts to channel in new work. The Australian domestic legal market can no longer sustain ravenous firm appetites. After the most recent global financial crisis, partners were desperate to appear 'afloat'. Partners took credit for work brought in by juniors and were conscious to 'hold on' to work they brought in. They evidenced greed in a time where legal work was lean. This is too, of course, because junior lawyers are dispensable. As repeatedly drilled into the mind of any legally-employed law student or graduate, "there are 100 others willing to take your place". Partners, more so than ever, have to positively guide and influence the worker bees below them. Lawyers, much like clients, are often not allegiant to their firm: unless they have a reason to be. Problems of constant attrition can be devastating for teams, particularly where a group departs suddenly leaving the partner to pick up the pieces. Fostering a content and supportive work environment can help abrogate the risks of such occurring. Retention of lawyers can instil faith in clients; faith which in turn, retains clients. How can that team be different? How can a partner ensure its lawyers feel valued? How can a partner help create the best lawyers? Differentiation is key. If a desirable team is created in a desirable firm, those lawyers will want to work, want to maintain clients, and be driven to perform. Those teams become sustainable, that partner's job stays safe, and opportunities for the promotion of those lawyers arise. **Step 4: Create culture.**

Partners, more so than ever, have to be guided by their instinct and old-fashioned values. Decisions, like any business, have to be made. Lawyers will need time off, need advice, need support, want a pay rise, want flexible work arrangements, leave, stay, come, go. Change is inevitable. Make people want to stay, but understand when they cannot. The best indicia of what makes a great partner is someone who is prepared to make decisions, and be guided by their instinct. Although the partner is the leader, they are the head of a constantly evolving set of cogs which each have their own wants, desires, needs and opinions. **Step 5: Be flexible.**

Acceptance of change. Embracement of change. Willingness to change.

For all aspects of one's career, change is prevalent. While off-shore legal services, cost-capped retainers and a gross over-supply of law graduates are some of the current challenges of today, the future no doubt will host a new array of legal trials, literally and figuratively speaking.

Although there are no strict, rigid requirements of what makes a lawyer in 2017, being realistic, flexible, pursuing opportunity, maintaining open communication and fostering team culture are often good indicia that one is acting in a way that is true to self and respectful of the profession. Those characteristics, coupled with being a sensible and decent human being, are what make the best lawyer in 2017.

⁶ Scheiber, N. (2013, June 22). The Last Days of Big Law. *The New Republic*. Retrieved from: <https://newrepublic.com>.