
INTRODUCTION

We began this project to test our hypothesis that “Happy Lawyer” is not an oxymoron. The aim of this book is to assist law practices in lawyer retention efforts by focusing on the need to improve job satisfaction for individual lawyers, as well as to help individual lawyers in their quest for the perfect practice. In the end, every lawyer is a solo practitioner making an independent decision about where or whether to practice law today. Successful lawyer retention by law practices and the profession is directly related to the individual lawyer’s decision to continue to volunteer his or her talents. Like players on a sports team, members of a legal team are “the talent.” Lawyers are the most important asset the team has. On the flip side, a great sportsperson is of no consequence without a team that allows the individual to showcase his or her talents and perform to full potential. The relationship between the player, the team, and the game is mutually beneficial. Unlike sports teams, however, most organizations do not pay lawyers giant-sized salaries, or provide them with personal trainers, several coaches, lots of opportunity for practice before the big game, media attention, and fans for adulation. For that matter, most practices don’t even give lawyers employment contracts. Every day, a lawyer is left to decide whether the lawyer’s current association is best for him or her, and many practices are not even aware that the question is on the floor.

Our work with lawyer retention and improving job satisfaction for lawyers has shown us how pervasive lawyer dissatisfaction is, and how much the profession needs to address this issue. For example, a recent survey of the Michigan bar reflected that 47 percent of lawyers were dissatisfied and 83 percent thought about issues related to stress and burnout at least once a month. Lawyers often like the work, but don’t like their jobs. Law firms that are addressing “inclusion” and “diversity” have focused on attracting top talent and clients. There is relatively little focus on improving job satisfaction to keep lawyers in their jobs once the firm has attracted them.

Lawyers, like people generally, have a desire to be happy and to live balanced lives. That balance, though, is perceived to be unattainable. Lawyers perceive that being dissatisfied with the practice is just the nature of being a lawyer and that nothing can be done to change it. Reading the title of this book, one forty-two-year lawyer told us: “If you can figure out a way to [improve job satisfaction] you’ll sell a million copies.” This level of hopelessness is particularly disturbing to us.

The relationship between job satisfaction and lawyer retention is, it seems to us, obvious. Yet generally, the profession, lawyers, and managers of lawyers place very little emphasis on improving job satisfaction or keeping lawyers in the prac-

tice. Part of the reason for this lack of attention to job satisfaction has been the idea that the practice of law is a privilege that everyone wants, but is reserved for those who pass the various forms of "trial by fire" that we use these days to license and regulate lawyers. Many also hold the view that there are too many lawyers already, so if lawyers become dissatisfied with their practices and turn to other pursuits, so much the better. In many organizations lawyers are treated like commodities—as interchangeable as chairs. A managing partner told his partners, "Associates are fungible goods." Indeed, there is an anti-lawyer sentiment in America that is manifested daily in derisive commentary and lawyer bashing.

There is something of the martyr in lawyers as well. Law practice carries mostly financial rewards and occasional victories when lawyers actually get to help people and make a difference. But for the most part, lawyers believe the practice is hard, tedious, consuming, serious, important, and thankless work that they are constrained to do because someone has to do it and, goodness knows, the people can't do it for themselves. The suggestion that the practice of law should be fun—and that lawyers are entitled to enjoy life and their work—is viewed as heresy. But, as author and motivational speaker John Powers said, "Sorrow finds us. It's fun we have to look for.

Lawyers also believe they are the fourth branch of government and feel that responsibility keenly. They take seriously that they are officers of the court, even as they walk ever closer to—and perhaps over—the ethical line in the name of advocacy. Unlike doctors, lawyers are not taught and have not learned the lessons of transference and detachment. Lawyers are protective of their clients and take on their clients' problems as their own. They are trained to think that by the time they argue a client's case, they should truly believe that their client's point of view is the only point of view. Lawyers volunteer their time and their talents to help those less fortunate than themselves, partly because most states require them to do so, but mostly because they want to give something back to their communities. Lawyers make great sacrifices of time, money, and family to their work. They resent—rightfully so—the public's poor perception of lawyers and increasingly demand that their national, state, and local bar associations do something about improving that perception, beyond more rigid self-policing.

Chief among the reasons for lawyer dissatisfaction are the "golden handcuffs." Many lawyers told us that they continue to practice law because it pays better than anything else they can do and they have certain financial needs that can be met only by continuing to make their current levels of income, or more. Financial expectations are high among lawyers, and there is a certain amount of denial about how financially successful lawyers are in comparison with other Americans. For example, though many American families of four live on \$25,000 a year, single lawyers have trouble accepting salaries of twice that amount. The U.S. Bureau of Labor Statistics reported that the median weekly wage of all Americans in 1998 was \$523, but for judges the median was \$1,290, or more than twice the national median. Judges are about average in the compensation level of all lawyers, and many lawyers in private practice make substantially more. Lawyers also have a disturbing tendency to live

beyond their means and to engage in subtle forms of self-sabotage in money matters.

Research for this book has included interviews of law students, aspiring lawyers, judges, government lawyers, law firm partners, solo and small-firm practitioners, house counsel, associates, lawyers working with the "Big 5" accounting firms, consultants, and lawyers who have left the profession to work in both law-related and nonlegal jobs. All the lawyers with whom we've talked have spoken to us candidly, in response to our express promise that we would respect the confidentiality of their communications. We have changed certain identifying characteristics to protect identity, and we have made no effort to quote lawyers precisely, choosing instead to attempt to convey intent more than exact words. Nor have we attempted to conduct an empirical study with statistically significant results, although other organizations we identify in the book have done so in areas that we believe are relevant to the issues we've addressed.

Despite the "nonscientific" scope of our project, what we've reported here are the common themes lawyers experience. We have experienced them ourselves, our friends and colleagues have experienced them, and experts we've consulted, volumes we've reviewed, and meetings we've attended have addressed them as well. Indeed, the issues we discuss are nearly universal in legal life. It is not our intent to persuade the skeptics with data. Instead, we aim to share information with those who are interested, and who want to change rather than give up and leave either present jobs or the profession entirely.

Speaking regularly with lawyers involved in all aspects of the practice has given us a great deal of insight on a variety of issues reflecting the relationship between lawyer retention and job satisfaction. We have become convinced that the most satisfied lawyers are the ones most practices most want to keep: the "A players," the lawyers who are "high value added/hard to replace" or what we call "Best Lawyers." Devoting firm resources to coaching and developing lawyers will result not only in greater lawyer satisfaction, but also greater firm success, lawyer retention, and client loyalty. Although associate training is available in most firms, it generally focuses on substantive legal training and rarely includes concepts of professionalism, client tending, civility, the bounds of advocacy, life balance, career design, career challenges, and similar topics. Many firms have in-house "universities" to assist lawyers with fulfilling their continuing legal education requirements. Again, the focus here is on the group and not the individual. Thus, most lawyer organizations—whether firms, departments, or agencies—do little to nurture and engage their talent, particularly at the senior level. Those that seek such goals we call "Best Practices."

Recognizing that a law practice develops in certain fairly well-defined stages is the first step in designing a career that will be successful for the individual lawyer. A successful, fun, rewarding, and challenging legal career is within the grasp of every lawyer and can be had without fleeing either the practice or a current association; but it takes planning and diligence.

We believe all law practices should aim to be Best Practices, include only the Best Lawyers, and provide their lawyers the means to become such lawyers.

When every lawyer is satisfied and believes his or her current association is the best one, lawyer retention will no longer be a problem.

We have struggled to develop our own successful careers. Through our own process of trial and error and developing successful, satisfying practices for ourselves, we became convinced that the way most lawyers view their jobs and the profession is responsible for a great deal of dissatisfaction, burnout, and attrition from organizational practice and the profession. PeopleWealth's retention consulting practice was created and developed after many, many lawyers told us of their struggles to find satisfaction in the practice. This struggle often lasts for years and results in resignation—to the futility of the struggle or from the profession all together.

Our personal success and work in career building have taught us that "Happy Lawyer" is not an oxymoron. Our hope is that this book will assist individual lawyers and law practices to understand the issues and focus on improving job satisfaction for lawyers. We believe that the time has come to realize the concept of the satisfied, happy lawyer. We sincerely hope that the ideas and strategies in this book will effect change, improve job satisfaction for lawyers, and keep qualified lawyers enthusiastically serving the public.