



## Go Home.

*If you're shooting  
for a spot in a  
prestigious, big-city  
law firm, make  
sure you have a  
contingency plan.  
Unless your  
credentials are  
perfect, your  
chances of success  
are slimmer than ever*

**By Ron Coleman**

**I**t's nothing personal, but it might be best if you'd leave right now. Leave law school.

Not all of you, but a lot of you. A lot. I hate to say it, but maybe most of you—especially if you want to work in a hot-shot, big-city law firm. I saw your resumes every day at the medium-sized New York law firm where I worked. On paper you seemed earnest, ambitious, possibly talented.

But not in demand.

You have to read this as if it were being spoken to you by the hiring partner at the firm of your dreams. You have to know why you are sacrificing years of your life and going into tens of thousands of dollars of debt. You have to be very realistic about your employment prospects—with *your* record, from *your* school.

Last September's issue of *Law Office Management and Administration Report* laid it all out in an article entitled, "Are Starting Associates Obsolete?" The article began by claiming there is "continuing evidence, both anecdotal and in the most current report from the National Association of Law Placement (NALP), that starting law associates are playing a less significant role than they have in the past." It noted that starting salaries continue to decline while raises remain insignificant, and that more tra-

ditional first-year work is being performed in-house or by paralegals, "research houses," contract attorneys and temporaries, mostly because clients are no longer willing to subsidize associate training. And legions of experienced but unemployed laterals are ready to fill the job you wanted at or near a first-year price.

The readers of *Law Office Management and Administration Report*—law firm administrators—love this news. In firms with more than 20 lawyers, first-years have been a money-losing pain for a long time. They have law degrees, they're admitted to practice or on the verge of admission, but they're usually pretty useless as attorneys. In seller's markets like that of the mid-1980s, firms had to recruit them, pay them more than they were worth and train them all at once.

Now it's a buyer's market. And those resumes just keep streaming in.

The fact that you got into law school has little to do with your aptitude for practicing law or whether you'll even get the opportunity to find out what that aptitude is. The growth in the number of seats in law schools has only recently begun to slow—not the number of seats, just the *growth* in the number of seats. Why are law schools accepting so many applicants when there is less

and less need for beginning lawyers?

Because the schools are cash cows. Law schools require a minimal investment after the initial outlay for bricks and mortar and lots of heavy books. They prey on your dreams of becoming a lawyer, or on the insecurity that makes people amass degrees and follow the career path of least resistance. But while there is still demand for what law schools are selling—law degrees—there is less and less demand for what the market is buying—people with law degrees.

I wasn't the hiring partner in my firm, but the guy in the next office was. That makes me the ideal person to tell you what I've seen, because I don't feel the need to justify any of this. I'm just reporting it to you because you should know how hard it is out here, and ask yourself if you want it so badly that you're willing to face the likelihood of not getting it.

An illustration: I got a call from Jack, a colleague looking for work. He's been out of Columbia University School of Law about six years now. He had worked at the white-shoe, New York firm of Dewey, Ballantine and left for all the usual reasons people leave big firms. Now he's at a very nice boutique on Park Avenue. But business is slowing down, and no matter how good he is there's no way he can succeed if they don't have work for him. He's not a rainmaker, because there's practically no way a junior- or mid-level litigation associate can bring business into an expensive, big-city firm.

Now the new place has told him, *Nothing personal, but it isn't going to work out; given that we can't make partners, we can't afford to keep someone of your seniority around.* Believe it when they say it's nothing personal: This fellow is sharp, and I know his work is good. So he wanted to know if they could use him where I work.

I told him I didn't think my firm was hiring at his level. "But they don't have to pay me at 'my level,'" Jack protested. "Just let me get in the door, pay me like a first-year or something. Why would-

n't they want someone with five years' experience for cheap?"

Now, ask yourself, what chance do you have to compete against Jack for that first-year slot? Granted, there's an overqualification issue; short of signing him to a contract (not impossible), a future employer could question Jack's commitment to a job where he's underpaid. On the other hand, knowing the slack market, he just might take Jack on. He can get Jack for the same price as you, or at least cheaply enough (salary + benefits + overhead vs. recoverable billable hours x billable rate) that he makes economic sense. While many firms are still leery of bringing Jack in as a regular associate, thereby showing all the junior associates what their future looks like, expect to see him soon at a temp agency near you.

(If you're wondering why Jack doesn't just go in-house, you have to understand that the in-house option has been oversold for some time. There are virtually no in-house positions for litigators. Small companies and startups that decide they need a lawyer aren't staring at piles of interrogatories; they're doing deals, and they need transactional lawyers. The alternative in-house goal for litigators—big companies—has two problems: Their law departments are essentially lower-paying medium- or large-size law firms, except they're even more prone to layoffs; and they're not hiring—they're laying off.)

There's something else, too. I don't know quite how to broach this, but you have to be aware of it: It matters where you go to law school. It matters a lot. If you're at one of the 20 "top-10" schools, you probably will have every opportunity to be the Jack of the next decade. You could decide to see where it takes you.

But if you're enrolled in one of the 150 or so other law schools in the country, and you don't have a specific career plan or contact, I don't think even law review or a state court clerkship is going to get you in the door of the better-paying, big-city firms.

True, plenty of schools have a good

regional reputation or relationships with firms in their state, and people are still being hired in those contexts. But in the elite firms, just about every resume that comes in goes right into the trash because there's no reason to interview someone from a "regional" school (no school will admit to being less than regional, though of course most are local at best) when there's fresh meat from such national schools such as NYU, Northwestern and Berkeley. (There will always be a seller's market for these graduates, of course.)

Please don't dash off an angry letter about placement statistics from your law school. I'm sure someone is going to feel slighted, and maybe for good reason. People are more than transcripts and resumes (although some people are less than their transcripts and resumes, too.) But that's not what this article is about.

Here's a cruel but simple test I made up: Take the age of your school in years. In the Midwest, multiply it by 1.2; on the West Coast, multiply it by 1.5. In the East, leave it alone. That number represents your chances of getting a decent law job within a year of graduating law school. (Schools that come out over 100 will probably generate more than one job offer.) Individual cases will vary, law review or perhaps moot court can help, but all things being equal those are the odds. Resumes from graduates of schools that didn't even exist when lawyers in their 30s were in college do not resonate except—*maybe*—with the alumni of those schools. (Actually, most alumni of "lesser schools" are just as interested in scoring graduates from better schools as they are in scoring other alumni.)

So everyone knows that certain schools are just not that hard to get into, or else they'd be empty. And what does that mean?

You have to go down the list and consider the qualities that recommend themselves in a lawyer and ask if you have them. A virtually universal one is brains, though sometimes a stubborn, perspicacious

*While there is still demand for what law schools are selling—law degrees—there is less and less demand for what the market is buying—people with law degrees*

cious sort will succeed at something like litigation (where, outside of larger firms, often bullheadedness—combined with articulateness and guts—will overcome brains). But at better firms, it's brains over beauty 99 percent of the time. Tax lawyers *have* to be brilliant in today's complicated tax and business environments. The same goes for transactional lawyers. In the smaller specialties you will be expected to know a lot of statutory and regulatory law. Don't try to talk about RICO unless you're prepared to discuss how many "predicate acts" can dance on the head of a pin.

This is, after all, still a learned profession. There was a time when people who were not academically outstanding did not even think of becoming lawyers. But in this era of hyperdemocracy, no "differently-abledness" is supposed to deprive anyone of an opportunity.

I couldn't believe some of the law students I saw when I served as a judge last year for the first-year moot court competition at my state school. *The Paper Chase* it wasn't. There could still be firms that will indulge midlife crises and spunk, but I haven't worked at one yet (and I've been around).

Firms that are looking to hire first-year associates are not inclined to guess about intellectual qualifications. If you went to the University of Chicago Law School, you're smart. Hiring partners don't know if you will be a good lawyer, but they can tell as much about that from your resume as they can about the guy from that new school that just opened up in the mall. Hiring partners don't have time to get to know you. They go by flags, and good schools are believed to be good flags.

There are surprises all the time, I know. Some people get off on the wrong track and have to claw their way back. I once worked with a guy, let's call him Josh, at one of the fanciest firms in New York. Josh was on law review, but at a truly mediocre school. He was hired when I was, when it was a seller's market for almost everyone, but he acquitted himself well in the intellect department. He was given a shot and he

proved himself. It's a great American success story.

But the opportunities made possible by the mid-80s hiring market are gone, never to return. And now you have to do something that law schools used to do before making money for the university became their mission. You have to weed yourself out.

So if you decided you really wanted to go to law school and couldn't get into a very good one, or even a good one, hiring partners have to think—do think—that you're probably not . . .

That smart.

Top law firms, U.S. attorneys' offices and all the other places you'd want to work at need smart lawyers. Only. They can't afford any other kind. There's too much at stake. If applicants don't weed themselves out, there are people who will do it for them—*after* the three years of law school are gone.

Take a look at that stack of envelopes you're about to seal and do another self-test. If you can't produce a perfect cover letter—zero typos, zero grammatical errors, zero stylistic groaners—forget it. Because your cover letter is the single most important document you will ever draft. If it's not perfect, you've documented that you don't know how to do it right *and* that you lack the judgment to find someone who does know how to do it right to look it over before springing it on the world.

**N**either of these failings is an auspicious omen of success in a field which is in the business of generating documents and presenting cases. Because a cover letter is not hard to do right, especially when compared to an appellate brief and appendix.

Needless to say, the same goes for the resume. It is, in a way, less important because the hiring partner sees it second. If you blow the cover letter he or she won't look at the resume except perhaps for a laugh. But the resume has legs. It can be detached from the cover letter and circulated. So it has to be perfect, too.

But I've been amazed at what I've

seen. Slop-jobs are the least of it. Whom do you think you're fooling when you say "upper 43 percent of class"? Do you think we deduce from that that you're number three? If you're number 86 out of 200, *that's* "upper half." When you write "upper 43 percent," besides showing the recipient that you think he's stupid, you're showing him or her that you don't know the proper way to advocate—to present an idea in its best possible *credible* light. Lawyers are constantly trying to sell damaged goods. Virtually no client is lily-white, no cause without its weakness. You've got to find the way to make the best case *and* not insult the intelligence of the decision-maker. Every day this nonsense comes in, and every day it goes in the garbage.

(I'm more sympathetic to the guy who sent in a mock pleading setting forth his qualifications. He has no chance, of course. His approach is too unconventional for almost any law firm. On the other hand, if he does find a job, I'd like to find out where and work there, too.)

But that's just presentation. The cover letter and the resume format can be perfected by anyone. What if the problem is with the substance? If what you're looking for is a job in a city that has mass transportation, "upper 43 percent of the class" probably won't do it for you no matter what you call it, unless it's from a top school or you're a chemical engineer applying for a patent job.

Parents of law students approach my parents asking for permission to send me their children's resumes, or to "just talk to them," or to "just walk it down to the recruiting coordinator." I've done it many times, but I've made it clear to the applicant that I can't make the resume more than it is. And the applicants whose resumes I would feel comfortable passing on with my highest recommendations usually don't need me.

(For that matter, why even ask to have your resume forwarded along in a top firm when you've got no chance there? Don't let your mother intimidate you into giving it a shot, the way my

*The opportunities made possible by the mid-80s hiring market are gone. And now you have to do something law schools used to do: You have to weed yourself out.*

mother made me apply to Harvard University Law School. There's no great merit in collecting ding letters from every firm on Park Avenue.)

Boy, you're thinking, *this guy is mean. So hardly anyone's good enough for his big-deal firms. Who wants that?*

Fine. Now that you see how hard times are in the elite firms in metropolitan areas, you're considering your options. Maybe you don't need to make a lot of money. How about public service? Be aware that the most desirable jobs, whether in government or private public interest organizations, fill up fast—and again, more so in cities and their surrounding areas. And government isn't growing, by the way. It's shrinking.

The president of the American Bar Association recently said that there isn't really a glut of lawyers, just a misallocation of legal services. And it is true that the middle class and, to a lesser extent, the poor have virtually no access to lawyers. If you can figure out a way to tap into these markets, maybe you can make a living. If you can starve for a while and you have the capital to outfit an office and pay occasional help, you could hang out a shingle.

But what if you don't have those things and can't afford to take a job that pays less than you could have made straight out of college? There is a possibly better-paying law job waiting for you: *paralegal!* Do you realize that there are thousands of lawyers working as paralegals? There's even a new category in the classified section of *The New York Times*: "Paralegal/J.D."

Of course, most first-years in big firms do work that *ought* to be done by paralegals. But the sight of law school graduates actually working as paralegals, for paralegal money, forbidden to exercise their legal judgment or to give legal advice, is painful. These people "just want to be in law" and hope something will come through in the firm. Has it ever happened? Yes. But hardly ever.

In fact, working as a paralegal might well be the kiss of death for a recent law school graduate. Once you've been a paralegal/J.D. you are stamped as a failure in the firm you're working for. You can swim down the food chain for a job in another firm, but your having been "in the law" probably won't help you much.

So what's the equation? On one side, your investment:

- three years—full time—of what most people find to be very hard work
- the incurrence of a huge amount of debt

- the loss of three years of income and possible career advancement

On the other side, your return:

- few jobs
- a worsening pay situation for those who get jobs

The return side ignores the hottest issues among young (employed) lawyers today: Increasing dissatisfaction with the work and the law firm system, the dearth of long-term opportunity, and the incivility of practice. You've heard about those things.

I know a lawyer who now edits law books. When she heard I was doing some writing, she sent me this message—a message intoned, in slightly different forms, thousands of times each day:

"You've got to write something to warn people *not to go to law school.*"

Maybe it's time you thought about leaving. Soon. 

*Contributing Editor Ron Coleman is a lawyer, adjunct law professor and freelance writer in New Jersey.*

**The ABA Forum on the Construction Industry presents  
The 1996 Law Student Writing Competition**

## **Win \$1,500 and A Trip to Dallas**

Have your winning entry published in *The Construction Lawyer* and enjoy a free trip to the Forum's May 1996 Annual Meeting in Dallas. Submit your entry on any topic related to construction industry law. All entries must be typed doubled-spaced on 8 1/2" x 11" paper and limited to no more than 45 pages. No previously published or accepted for publication works are eligible.

**Deadline: December 29, 1995**

Prizes of \$1,500 and \$750, respectively, will be awarded to the first and second choices, if any, of the judges. The first prize winning paper will be published in *The Construction Lawyer*. In addition to the cash prize, the first prize winner will receive coach air fare and three days room and board to attend the Annual Meeting of the Forum on May 2-4, 1996, in Dallas, where the prize will be presented.

For complete contest rules, or membership information, please write or call: **ABA Forum on the Construction Industry**, 750 N. Lake Shore Drive, Chicago, IL 60611 312/988-5580

