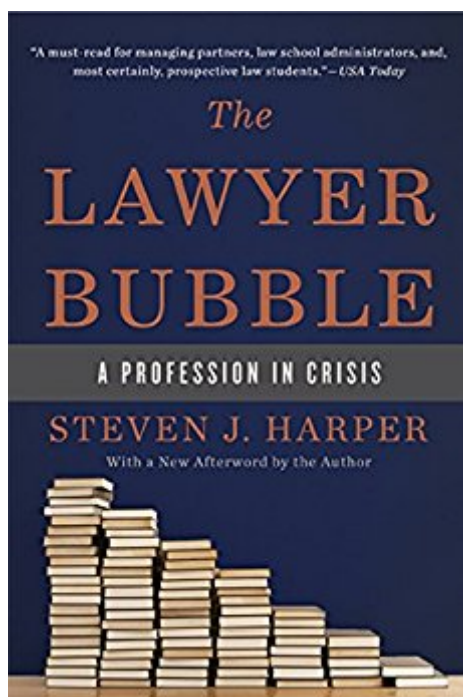


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The Lawyer Bubble: A Profession In Crisis



Synopsis

A noble profession is facing its defining moment. From law schools to the prestigious firms that represent the pinnacle of a legal career, a crisis is unfolding. News headlines tell part of the story—the growing oversupply of new lawyers, widespread career dissatisfaction, and spectacular implosions of pre-eminent law firms. Yet eager hordes of bright young people continue to step over each other as they seek jobs with high rates of depression, life-consuming hours, and little assurance of financial stability. The Great Recession has only worsened these trends, but correction is possible and, now, imperative. In *The Lawyer Bubble*, Steven J. Harper reveals how a culture of short-term thinking has blinded some of the nation's finest minds to the long-run implications of their actions. Law school deans have ceded independent judgment to flawed U.S. News & World Report rankings criteria in the quest to maximize immediate results. Senior partners in the nation's large law firms have focused on current profits to enhance *American Lawyer* rankings and individual wealth at great cost to their institutions. Yet, wiser decisions—being honest about the legal job market, revisiting the financial incentives currently driving bad behavior, eliminating the billable hour model, and more—can take the profession to a better place. A devastating indictment of the greed, shortsightedness, and dishonesty that now permeate the legal profession, this insider account is essential reading for anyone who wants to know how things went so wrong and how the profession can right itself once again.

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Customer Reviews

This book started well enough, and it was immediately evident that Harper put a lot of effort into his research. His writing style is clear and his central argument even clearer: the greed and short-term thinking of law school deans and equity partners has wrecked a once noble profession. Harper marshals plenty of evidence and anecdotes to show that as big firm profits and law school revenues have increased, associates are less happy and students are saddled with higher debts and reduced career prospects. Harper is not the first person to document these trends, but his diagnosis that greed at the top is the source of all the profession's evils is fairly unique. He sees an industry hell-bent on preying on young, uninformed future and present lawyers. While his highly-charged rhetoric reflects his passion, it also becomes grating over 208 pages. At times Harper is far too dismissive of those who disagree with him. For example, on pages 169-170 he labels two authors of a thoughtful study on law firm trends, "apologists for big firms" who imply "a deprivation of free will that understates [law firm partners'] power and disservices the profession." The authors of the paper did no such thing, and Harper's eagerness to misstate their paper is odd. On pages 157-158, Harper caustically responds to the idea of creating undergraduate law programs by declaring, "There's no reason to analyze the untested assumptions that underlie their analysis because, like too much legal scholarship and academic thought, the idea is insufficiently tethered to the real world of possibilities." Harper charts the history of the growth of large law firms, but he does not recognize how the industry has changed in other ways.

Steven Harper's *The Lawyer Bubble* is an excellent book about the current state of the legal profession and where it may be headed. His thoughtful explanation of the collapse of several major American law firms starting with Findley Kumble and including Heller Erhman, Thelen, Howrey and Dewey does not exist elsewhere in print and is worth the cost of the book. In the process he identifies qualities that are lacking in many major firms that may lead to their collapse in the future. Harper also addresses some of the significant impacts of technology on the competitive environment in the legal world, and the debacle of legal education in America. He presents fourteen proposals for "a meaningful course correction" in order to avoid Dewey like results. While each proposal is worthy of consideration and would be desirable, it is doubtful that they can be used to

fundamentally change any major law firm that did not adopt these proposals years ago as the firm grew. Unaddressed is a further impediment to such changes--Model Rule 5.6 which makes every lawyer a free agent capable of moving at any time from one firm to another in response to a better offer. The ultimate issue may be how many of the major firms will change and survive and how many will be replaced by disruptive innovations in the delivery of legal services. While Harper identifies two new forces outside the control of the big firms that are affecting the prospects of the major firms: outsourcing of electronic discovery and attorney temporary placement services, there is no mention of New Model law firms that have been created to function differently from the big firms while offering many competitive services at a lower cost.

In his 1993 book, *The Lost Lawyer*, the Dean of Yale Law School, Anthony Kronman lamented the changes in the legal profession, which, he believed had caused the collapse of the lawyer-statesman ideal. He worried that large firms had become too commercialized with highly specialized practice areas. He also worried that the ties that existed between law firms and lawyers were disappearing. Big firm lawyers were beginning to routinely move from one firm to another in search of higher salaries. Kronman was worried that all the lateral movement was weakening the culture of law firms and turning the law business into a greedy enterprise, with little nobility in it. He saw a dark future for the law business. In the twenty-year period since 1993, almost every bad thing predicted by Dean Kronman came true. Big firms have grown so large that they have no cultural identity. Training for associates has disappeared. Firm partners are loyal only when they are well-paid. They leave firms when there is the slightest sign of trouble. Twenty years later, Steven Harper has written *The Lawyer Bubble*, which discusses the one major development missed by Dean Kronman, the enormous overproduction of law graduates and the resulting misery of the young lawyers. After a distinguished career trying cases, Harper retired from Kirkland and Ellis a few years ago. He has spent the last several years teaching and writing. Much of his writing centers on the problems of the legal profession. Harper writes a blog, known as *The Belly of the Beast*, which discusses large firms and law schools. *The Lawyer Bubble* is unique in that it compares and contrasts the problems of law schools and large law firms. Like Kronman, Harper does not think the legal profession is on a good course.

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