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# Law School by Default

*By Cameron Stracher*

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They're dropping like flies. Count 'em. Despite the swelling ranks of the new recruits, the steady growth in large corporate firms, the length, breadth and expense of lawsuits, the legal profession is actually losing lawyers every day, a silent drain of talent to banking, business and premature retirement. Every year, I face a new class of eager law students, ready to take on the world, but after a couple of years of practice, many have lost their youthful glow. Perhaps it's time to rethink the whole "law school as default" mentality that infects so many otherwise sane young minds.

On the surface, the legal profession appears to be booming. Although growth has slowed since the 1960s and '70s, each year 40,000 new lawyers join a field that now totals one million, about the same size as the nation's state prison population. Salaries have climbed steadily, and lawyers at the top firms can expect to make about \$160,000 upon graduation from law school. But look beneath the statistics and a few facts jump out. First, large law firms, those employing more than 500 lawyers, lose nearly 40% of their associates within four years of hiring them. After six years, the ratio climbs to 60%.

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Some might suggest that the fault here lies with the firms' policies regarding advancement. A number of recent articles have bemoaned the lack of female partners (only 17% of the partners at major law firms are women, while women compose nearly half of all law-school graduates). The number of males who don't stick around long enough

to make partner, however, is only a few percentage points lower. Thus, while it may not be easy to be a woman in law, the guys aren't doing much better. In fact, it could be argued that women are leaving in slightly higher numbers because they can while many men, trapped by their gender-typed "provider" roles, have fewer options.

The attrition numbers are even worse in other parts of the profession. According to a recent study by the National Association for Law Placement Foundation, 42% of lawyers in small firms (and 50% in solo practices) have changed jobs within three years of graduation, and two-thirds of them have switched two or more times. One way to interpret the numbers is to conclude that such lawyers have plentiful opportunities and are moving to better jobs. The same group, however, tends to have less stellar credentials and to have graduated lower in their class than their colleagues at big firms, leaving them fewer options, and suggesting that these attorneys are even more dissatisfied than their big-firm contemporaries.

What happens to the recently departed? While many go to other law firms, or into other legal jobs, such as in-house counsel at corporations, anecdotal evidence shows that a significant percentage drop out of the legal profession entirely. This doesn't surprise me: Among my own law school classmates, for example, only one of my friends is still

practicing at the firm he joined upon graduation. The rest have moved on or dropped out of the profession.

My two closest women friends are both stay-at-home moms, forsaking lucrative practices to raise their children. Another friend has gone on to become an actor. Another writes for television. Several are novelists. While there have always been lawyers who choose not to practice, "The buzz now is lawyers getting three years of experience at a big firm, then going off and doing something entirely unrelated to the law," says Allan Whitescarver, director of communications at the commercial firm, Clifford Chance. He mentions one lawyer who opened a bookstore in France and another who works for the World Health Organization in a nonlegal role.

They may be among the lucky ones. The legal profession is really two professions: the elite lawyers and everyone else. Most of the former start out at big law firms. Many of the latter never find gainful legal employment. Instead, they work at jobs that might be characterized as "quasi-legal": paralegals, clerks, administrators, doing work for which they probably never needed a J.D.

Although hard data about the nature of these jobs is difficult to come by (and relies on self-reporting, which is inherently unreliable), the mean salary for graduates of top 10 law schools is \$135,000 while it is \$60,000 for "tier three" schools. It's certainly possible that tier-three graduates tend to gravitate toward lower-paying public-interest and government jobs, but this lower salary may also reflect the nonlegal nature of many of these jobs and the fact that these graduates are settling for anything that will pay the bills.

At \$38,000 a year for law school, plus living expenses, law-school graduates certainly have a lot of debt (\$60,000 on average, upon graduation). For this price, college students and their parents should be thinking harder about their choices. When I went to law school, nearly everyone tried to convince me that doing so would "keep my options open." All this really means is: "You can still be a lawyer."

If I wanted to be a screenwriter, waiting tables would have kept my options open, too. In fact, many wannabe screenwriters find themselves going to law school, misled by adults into thinking that it will help them get into the movie business. It won't. Sure, you can be a talent agent or a movie producer with a law degree, but you can be one without a degree, too. Most of the skills you learn in law school (and legal practice) won't help you make a movie, and the few that will may not be worth the cost (more than \$120,000, including tuition, living expenses, as well as three years of forgone experience and salary). Rather than keeping options open, the crushing debt of law school often slams doors shut, pushing law students to find the highest-paying job they can and forever deferring dreams of anything else.

It's time those of us inside the profession did a better job of telling others outside the profession that most of us don't earn \$160,000 a year, that we can't afford expensive suits, flashy cars, sexy apartments. We don't lunch with rock stars or produce movies. Every year I'm surprised by the number of my students who think a J.D. degree is a ticket to fame, fortune and the envy of one's peers -- a sure ticket to the upper middle class. Even for the select few for whom it is, not many last long enough at their law firms to really enjoy it.

There's something wrong with a system that makes a whole lot of people pay a whole lot of money for jobs that are not worth it, or that have no future. If we wanted to be honest,

we would inform students that law school doesn't keep their options open. Instead, we should say that if they work hard and do well, they can become lawyers.

**Mr. Stracher is the publisher of the New York Law School Law Review and the author of "Double Billing: A Young Lawyer's Tale of Greed, Sex, Lies and the Pursuit of a Swivel Chair."**

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