

# **Why Partnership is Killing the Legal Profession**

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A close friend of mine was a mid-level associate at a well-respected, large Atlanta firm. When a seat came open in the Georgia legislature, she wanted to take a two-month leave of absence to run. The firm told her in no uncertain terms that if she wanted to remain an associate at that firm, she could not take the time to be in the legislature, much less take time off to run for it. My friend did not run, but nor was it long before she left the firm.

Fifty, maybe even thirty, years ago, that same firm would have been delighted to see one of its members interested in moving into one of the most powerful positions in the state. The senior lawyers in the firm would have encouraged all the young lawyers in the firm to look for ways to serve within the community. Even aside from the benefits the community would receive, it made business sense: the young lawyers would get clients from among the people they met.

But the pyramid partnership system is killing our profession. Instead of groups of colleagues at various stages of growth and success, law firms have become divided into two increasingly hostile camps: partners and associates. The change has destroyed collegiality and made work life less pleasant for everyone.

Even more problematically, the partnership pyramid system has created all the wrong incentives. The partners at the top make more money when associates work longer hours, and so the logical consequence is that billable hours rise.

Rising associates are now threats, instead of the future of the firm. Associates contribute profits to the firm, whereas partners take them. Associates are desirable; partners are not. As a result, training and mentoring have decreased to the point that the Bar and law firms are now trying to use forced programs to provide what used to be natural and intuitive.

Furthermore, law firms now are put in the position of needing to cull the lower ranks. To do that, initially law firms adopted an "up and out" system, in which associates worked seven to eight years, and then most were told they had to leave the firm. That system was so counter-productive business-wise, that it has been replaced, at least to some extent. Now more lawyers can remain at the firm and be called partners, but some are "more equal" partners, and share in

the equity of the firm, whereas others are “less equal” and languish at the non-equity level.

Even more drastically, the community and the legal profession have suffered. As billable hours have risen and law firms have stopped encouraging their lawyers to take on community service, lawyers have disappeared from the boards of community projects. The community misses the energetic, bright young lawyers who once spearheaded the projects that benefit all of us.

By dint of the types of issues we handle, lawyers always have had more than their share of criticism, but it is very difficult to truly hate someone who is working diligently to make your community better. Now, for the first time, fewer lawyers are active in the community to dispel the myths and to defend the law itself.

The entire legal profession is suffering because of the pyramid partnership system. Money, whether in the form of partnership compensation or astronomical associate salaries, cannot fill the void that lawyers feel when they work in unpleasant environments, in more sterile communities, with less community and family support, and in a society increasingly hostile to their profession. Changing our profession will require some radical decisions: to cut hours, to sacrifice time to train and mentor lawyers, and to create law firm models that give incentives for training and community work. But we will all – top to bottom – benefit.

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